

CASE No's: 11570326M
11571513M

THE FOOTBALL ASSOCIATION
DISCIPLINARY COMMISSION

On behalf of the

OXFORDSHIRE COUNTY FA

CONSOLIDATED HEARINGS OF

HANNEY YOUTH

and

JUSTIN BARNES

THE DECISION AND REASONS OF THE COMMISSION

INTRODUCTION

1. On 12 March and 9 April 2024, the Football Association ("The FA") convened a Disciplinary Commission ("the Commission"), on behalf of the Oxfordshire Football Association to adjudicate upon disciplinary charges levied against: Hanney Youth U16 [Case ID number- 11570326M] and Justin Barnes [Case ID number- 11571513M].
2. The hearing was conducted via the video platform "Teams".
3. The Disciplinary Commission members were Mauro Maselli, an Independent FA appointed Chair, Sue Henson-Green and Ray Agius. Acting as Secretary to the Commission was Vicky Collins.

4. As all offences were alleged to have been committed in the same match and there was related evidence, the cases were consolidated in accordance with FA Disciplinary Regulation 8.1.

THE CHARGES

3. Hanney Youth U16 ["Hanney"] faced one charge of misconduct contrary to FA Rule E21. Namely:

Failed to ensure spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match.

4. It was alleged that during a match against Banbury United Youth U16 ["Banbury"] on 17th December 2023, Hanney Youth failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion and refrained from improper, offensive, violent, threatening, abusive, indecent, insulting or provocative words and/or behaviour contrary to FA Rule E21.1.
5. The charges specifically refer to the allegation that Hanney spectators confronted the Banbury linesman [Justin Barnes] aggressively and used abusive and/or insulting language by calling the linesman a "prick" and/or threatening behaviour. This incident resulted in the linesman feeling intimidated and believing he was going to be attacked.
6. In response, Hanney entered a plea of not guilty and requested a personal hearing.
7. Justin Barnes faced one charge of misconduct contrary to FA Rule E3:
8. It was alleged that during the same match, Mr Barnes used threatening and/or abusive words towards opposing spectators by saying "shut up" and/or "don't come at me with your dog you fat twat" and/or "shut up you fat cunt" and/or "fuck off, meet me in the car park after the game" which is improper pursuant to FA Rule E3.1.
9. In response to the charge Mr Barnes entered a guilty plea and asked for the case to be dealt with by way of correspondence.

10. It is also right to say that Mr Barnes did attend the first day of the hearing, in the capacity of a County witness.

THE HEARING

11. At the hearing, the participant club Hanney was represented by Mr Stephen Davies. Mr Davies confirmed he had seen a copy of the charge and evidence, had understood the charge and was content to proceed.
12. The following is a summary of the principal evidence provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or evidence, should not imply that the Commission did not take such point, or evidence, into consideration when the members determined the matter.
13. For the avoidance of doubt, the Commission has carefully considered all the evidence and materials furnished regarding this case.

COUNTY FA EVIDENCE

14. The following is a summary of the County FA evidence relied upon in support of the charges.
15. Richie Bush (referee): In a report dated 17 December 2023, Mr Bush states:
- (i) *“There were a few incidents involving Jason Barnes (JB) (Assistant Coach Banbury United U16), one with the home team supporters or parents, one with the home team club linesman, and the other with the home team players. Before I start, I would like to make it clear that the majority of what I encountered were allegations.*
 - (ii) *In the 60th minute of the above-mentioned fixture, I heard a commotion coming from the away team left-hand side, where JB was running the line for the away team, and I noticed he was having an altercation with some of the home team supporters and parents and was out of position. As the away team goalkeeper had the ball, I stopped the game and ran over to where the altercation was happening to keep JB and the home team supporters/parents apart. I don't know what caused the altercation, but I do know that both parties were making unwelcome threats towards each other. I reminded them of their obligations and the code of conduct they should be following.*

- (iii) *To defuse the situation, JB was relieved as the club linesman, and another was put in his place.*
- (iv) *Later in the 79th minute of the abovementioned fixture, at a stoppage in play, the home team club assistant Colm Kenneally (CK) beckoned me over, so I ensured play didn't restart and made my way over to CK. He advised me that he had overheard the coaching staff instruct one of their players to "take the fucker out" or use words to that affect. I made my way over to the coaching staff and had a word with both JB and Jason Green (JG), the manager of Banbury United U16. They both denied making the comment, so I warned them of their future conduct. As I went back to restart the game, CK called me over again, stating that JB had called him a "twat.". I again went over to both of them and warned them again before restarting the game, as they both denied making the comment.*
- (v) *After I finally blew the whistle, they were reluctant handshakes, with JG seeming to be trying to question a home team player who refused to shake his hand, which started a smaller but insignificant confrontation that lasted 5–10 seconds. While this was going on, there was another melee behind it, which resulted in one of the home team players, Ashton Truesdale (AT), coming up to me and saying that JB had threatened to "take a player out.". I hadn't heard this comment, but I got all of the coaching staff together and advised them that they would be submitting a report to this effect.*
- (vi) *To be fair, the players from both sides hadn't helped themselves by making immature comments throughout the game to each other and to the side, i.e., coaching staff, home and away supporters and parents, and have marked the down accordingly...."*

16. In response to questions raised by the County, Mr Bush made a 2nd statement by way of email dated 21st January 2024:

- (i) *"... From what I remember both parties were having a slanging much which included a lot of fucking this and fucking that. I don't know who started the altercation or what started it, but Jason Barnes did threaten to take one of the spectators to the car park and they've sorted out there.*
- (ii) *Mr Barnes advise me that one of the spectators had threatened to set his dog on him, but this was before I got to the situation so I did not hear this comment.*
- (iii) *To diffuse the situation, he was relieved of running the line and was replaced. He went back over to the Technical Area ..."*

17. Mr Bush attended the hearing and gave live evidence which we summarise:

Mr Bush is a level 5 referee. None of the Hanney spectators are known to him personally. Following an altercation between Mr Barnes and the spectators, Mr Bush stopped the game. Mr Bush described the altercation as "Argy bargy...lots of swearing...involving Mr Barnes and at least 2-3 Hanney spectators". Mr Bush described the language being used as "F'ing and blinding...fucking this and fucking that". Mr Bush told us there was also a threat by Mr Barnes "about taking someone to the carpark.". Mr Bush explained that "Mr Barnes and the Hanney spectators were swearing at each other" and that when the Hanney spectators were swearing at Mr Barnes he was acting in his capacity as "linesman". When asked if any other swear words were used, Mr Bush said the "C word" was used by Mr Barnes, otherwise "it was just the normal F'ing this & F'ing that" adding "both parties didn't help themselves".

18. Justin Barnes (linesperson and participant in related case): In an undated statement Mr Barnes reports:

- (i) *"I'm Justin Barnes club linesman for Banbury utd [sic] u16 as both my sons play, the other week we played hanney [sic] away, the game was going well with no incident and we went one nil down in first half....*
- (ii) *....in the second half I was then doing the line the same side as the parents which I did not like as there was no respect barrier up and two very large dogs on the touchline (Beethoven dogs) the game was going well until we equalised, hanney [sic] players then started swearing and arguing amongst themselves we then took the lead which is where the mood seem [sic] to change as things were being said to players by players swearing and abuse which I was surprised as the ref did say he won't be having any of that before the game ... the ball had gone out of play over the far side a few of our lads seemed to be getting rattled by some of the comments being made , I spoke to our right back and just said not to get involved and suddenly a man had ago at me telling me to shut up and get on with doing the line so i told him to shut up , then I had four or five blokes having ago at me and i said im [sic] just here for the football but if you [sic] going to start then speak to me after , then i was approached [sic] by a guy who took his hod [sic] down and came towards me aggressively, the game was briefly continued but abuse continued so i told them to shut up again at this point as i turned away a lady with one of the big dogs ran towards me with dog as if to attack me but fell over many people witnessed this....*

- (iii) the [sic] her husband jumped up and got in my face with the other dog soni [sic] said get that thing away from [sic] as was getting intimidated by this point , then the ref came over to sort out he just said to me if they say anything to tell him but because they were continuing i said to ref we will swap linesman and i will go round the other side out the way to defuse the situation and the red [sic] said good idea thanks so craig took over the flag which he continued to get comments said but could not hear as round the other side....
- (iv) Hanney [sic] then equalised with not long to go and some of theri [sic] players especially the centre back was giving it loads and saying stuff he continued to say something to me on the sideline and my son was stood next to him and he said hey thats [sic] my dad the centre back then went on to then threatening my son telling him he beytter [sic] watch himself watch and other stuff so i just told my son to put a tackle in the linesman then flagged the ref and said that i said kick him which he must have missed heard or selective hearing as he did not seem to hear the threats being made and was right in front of him , which i did explain this to the ref , we then won the game late on which they was not happy about i stayed out the way of everyone at the end , but jason [sic] was shaking hands with players and coaches and i did see a player waving his arms about refusing to shake hands with jason don't [sic] know what was said as like i said i hung back out the way, but i did continue to get abuse off some players whilst they were stood with coaches, I told my son to be careful heading back to car park and told him not to hesitate to defend himself if anyone approaches him as i was not taking any chances after he was threatened and i was worried for my own personal safety after nearly being surrounded by five blokes and a guy come at me with a large dog...."

19. Mr Barnes was also invited to answer the following questions by the County:

"... Can you ask Justin to clarify:

- (i) Roughly how far the lady run at him and how far away she was when she fell over?
- (ii) Roughly how far away her husband was?
- (iii) How this behaviour made him feel?...."

20. In an email response Mr Barnes said:

"....at this point as i turned away a lady with one of the big dogs ran towards me with dog as if to attack me but fell over many people witnessed this the her husband jumped up and got in my face with the other dog soni [sic] said get that thing away from as was getting intimidated by this point..."

21. Mr Barnes attended the hearing and gave live evidence which we summarise:

- (i) *When "things were happening" Mr Barnes was running the line on the left. Mr Barnes was acting as "linesman". There were no respect barriers" just some yellow cones". There were around 10-15 supporters behind Mr Barnes, and these were mainly Hanney supporters. Mr Barnes was asked if anything happened when he was on the line, Mr Barnes said he was doing the line as normal and said to the left back "don't get involved" ...someone shouted "why don't you shut up?...Mr Barnes replied "pardon"...and the male said "get on doing the line ...to which Mr Barnes said "I am running the line". Mr Barnes did not recall any swearing from the Hanney supporters "just aggressive behaviour".*
- (ii) *As the game went on the "large guy" sat in the chair approached Mr Barnes with the dog. Mr Barnes felt intimidated and said "get that dog away from me". Mr Barnes was asked why he felt intimidated if there was no swearing? Mr Barnes said it was because men and a dog were approaching him. When asked whether the dog was coming towards him in an aggressive manner, Mr Barnes replied "... the dog was close to the gentleman's side...who has approached me in an aggressive manner...and he was in control of the dog..."*
- (iii) *The men who approached Mr Barnes from behind were Hanney supporters. The "guy with the dog", who was also a Hanney supporter crossed over the cones and went up "face to face" with Mr Barnes, who was still acting as "linesman" at the time.*
- (iv) *After Mr Banes was relieved by another "linesman" he "got out of the way" and went over to the coaches' bench.*
- (v) *Mr Barnes informed the Commission that he had told his son "...to get stuck in" to another player, but that was only after he was threatened.*

22. Laura Wearing (Banbury parent): In an undated statement Laura Wearing reports:

- (i) *"Sunday 17th December 2023 - Hanney Youth U16s vs Banbury United Youth U16s. Myself, my husband and my younger son, arrived at the match around 10 minutes into the first half and Hanney were currently winning 1-0. When walking over to the game, we all noticed that there was no respect barrier out just a line of flat cones. When we reached the pitch myself and my son stood by the cones and my husband joined the manager Jason Green over the other side as he is a manager at the club and helps train the under 16's ... During the first half I enjoyed watching a good competitive game but when Banbury did go ahead in the game, the players and parents of Hanney Youth did start to question decisions.*
- (ii) *During the second half, the game stopped and during this stoppage, the Banbury Linemans [sic] - Justin Barnes called to the referee to inform him of something he had seen. This caused a Hanney parent to shout "stop coaching, you are just a linesman". Justin turned to the parent and told him to "shut up, I am not coaching". At this point multiple parents started shouting at Justin, which in turn Justin shouted back. Bad language was used by the multiple parents and Justin.*
- (iii) *The next thing I saw was one of their parents and his two very large St Bernard dogs going onto the pitch towards Justin. Then another parent of Hanney and Justin squared up and both wanted to go into the car park to resolve it. During this the referee did have a word with Justin and the multiple parents of Hanney and I did hear the referee tell one of the parents not to speak to him like that.*
- (iv) *My husband Craig Wearing - Banbury United Manager U14s had come round from the otherside [sic] of the pitch. He pulled Justin away and told him to go and stand over the otherside [sic] of the pitch with the manager Jason Green as he thought it was best to remove him from the situation. He then took over as linesman and the game continued.*
- (v) *A couple of the Hanney parents spoke to me about the situation and I did inform them that I didn't agree with what happened on both sides but I did feel that it was a bit threatening for Justin as so many parents from the Hanny team confronted him at the same time plus two very large dogs. I do feel that if they had a respect barrier this would not have happened or it would have been less threatening.*

- (vi) *The rest of the second half was played in a competitive manner but some of the Hanney parents were still unhappy that they were losing and even questioned some discussion made by the referee and my husband who was the linesman, At the final whistle one parents even shouted " you may have won but we are still miles above you in the table". Which seemed very childish for a grown man to say as it is only kids football.*
- (vii) *On the way back to the car, I did start chatting to one of the owners of the dogs and asked if it was ok to stroke them. She said that one of them was ok to stroke but not the other one as he does turn aggressive. This shocked me as both dogs were very close to the pitch while the game was being played.*
- (viii) *I would also like to take this opportunity to report that there were no toilet facilities available at this game. I feel that this is unacceptable for the distance we travelled. When I asked the manager of Hanney Youth if he could open them, he informed me that he was unable to as he didn't have a key. I was then told by a parent of the team to just use the bush and was passed a tissue which I was horrified by but had little choice...."*

23. Laura Wearing attended the hearing and gave live evidence which we summarise:

- (i) *Laura Wearing made her statement not long after the game but she couldn't say exactly when.*
- (ii) *Laura Wearing was asked about an incident in the second half of the game involving Hanney spectators and the "linesman". Laura Wearing said in reply "...I was about a metre away and heard a Hanney parent shout to Justin stop coaching...Justin said I'm not coaching and told the parent to shut up...there were around 6-7 men and 2 big dogs...Justin was just as much at fault...both parties were at fault..."*
- (iii) *Laura Wearing told us she was "100% sure that at least one of the dogs went on to the pitch at the time Justin Barnes was acting as linesman..."*
- (iv) *Both Justin Barnes and the Hanney parents were "F'ing and blinding" at each other. Laura Wearing was sure that both parties were swearing at each other and that the swearing consisted mainly of the "F-word". Laura Wearing confirmed that by the "F-word" she meant the word "Fuck".*

DEFENCE EVIDENCE

24. The following is a summary of the defence evidence relied upon in response to the charges levied against the participant club.

25. [AT] (Hanney player). Referred to by first name only in the hearing due to being a youth and supported by his sister Kezia Truesdale acting as appropriated adult at the request of the club to replace Richard Truesdale (father) to enable Richard Truesdale to give evidence for the defence. AT made an undated statement which provides:

- (i) *".... In the first half of the game Banburys [sic] team were swearing and shouting at each other.*
- (ii) *The second half the linesman was guiding the players trying to direct them and the play, then there was an incident on the sideline involving my Dad and several other parents regarding there [sic] linesman, the linesman was then changed and the man was stood by their [sic] team box.*
- (iii) *The same man then was encouraging the Banbury team to "take me out" which then progressed to him telling his own child to "take him out" referring to me. Our linesman heard this and reported this to the ref at the end of the game i was making me way back to our box when the same man was saying to his son "Go on drop him, drop him" to which i retaliated. Then i also asked "why did you call my dad fat" his response was "well is he not" things continued to escalate verbally with the man approaching me on the pitch threatening to hit me which resulted in my coach intervening to protect me from harm..."*

26. AT also exhibited some text messages as part of his evidence, which we do no rehearse but considered as part of our deliberations.

27. AT attended the hearing and gave evidence. AT was asked a series of pre-agreed questions, which we summarise [answers in italics]:

- (i) AT thank you for making a statement...Do you stand by what is written in that statement? *"Yes"*
- (ii) Do you remember when you made your statement? Same day? Week later? How long after the match? *"Can't remember...think a day or so later..."*

- (iii) What position were you playing at on the day of the Banbury game?
"Centre back No.15"
- (iv) Were YOU on the same side of the Banbury Club Assistant Referee that you refer to as "linesman" in the first or second half? *"The second half..."*
- (v) WE have seen some text messages written by you about the game...
 - (a) Do you know the messages I am referring to? *"Yes"*
 - (b) Can YOU remember the date the text messages were sent by YOU?
"No"
 - (c) AND so we are clear WHO did you exchange the messages with?
"...My manager...Steve Davies..."
- (vi) Turning to a different topic...How far away were YOU from the incident involving YOUR dad, other spectators, and the "linesman"? *"... On the bench...at the opposite side..."*
- (vii) What did YOU see and hear? What tone of voice was used by the people involved? *"...I saw my dad stand up...I ran towards him...my mother was on the floor...think she fell...I found out he called my dad a fat prick or fat cunt...one of the two...[Ashton clarified that he had not personally heard the words said to his dad]"*
- (viii) YOU say in YOUR statement YOU asked the "linesman" "WHY" he had called your dad "FAT"?
 - (a) WHERE were you when YOU say the "linesman" called your dad FAT? *"I was on the bench when it happened"*
 - (b) Did YOU see YOUR dad approach the "linesman"? *"Yes"*
 - (c) Did your dad say anything back to the "linesman"? *"I don't know..."*
 - (d) Did YOUR dad say to the linesman that "he [the "linesman"] was a prick"? *"Yes I did hear dad call the linesman a prick...and one of his mates stood up to calm dad down..."*

- (ix) Different topic again...Generally...Did YOU hear or see what other spectators did in this incident...
 - (a) Specifically, did you see ANY Hanney spectators...apart from your DAD...confronting the "linesman"? *"One of the other dads stood up to calm my dad down...spectators were shouting at the linesman ... [but] ... I couldn't hear or make out what they were saying..."*
 - (b) Did you hear ANY Hanney spectators use any swear words toward the "linesman"? *"No"*
- (x) On a completely different topic...Did YOU see any dogs near the touchline? *"Yes my 2 dogs...one of the St Bernards walked with my dad...the other was with my mum..."*
- (xi) Very nearly done AT...can you help us with this...What (if anything) was the linesman telling his players? *"I overheard him say to his son...drop him and take him out...his son was a striker and I was a defender..."*

28. Richard Truesdale (Hanney supporter): In an undated statement Richard Truesdale reports:

- (i) *".... Their assistant coach was running the line and was coaching their players and trying to coach the ref. At this point a players dad told him to concentrate on his job as a linesman and stop coaching as he shouldn't be doing it. He then turned round and told him to fuck off and mind his own fucking business and to watch the game.*
- (ii) *I then butted in and told him to calm down to which he said he wasn't going to be quiet when being told what to do, so I replied I was going to say the same as he is a linesman and shouldn't be saying anything. He then told me to shut up you fat cunt. I then got out of my seat and asked him who he thought he was and he was a prick, to which he then again told me to fuckoff and we could meet in the car park after the game.*
- (iii) *Other parents then started telling him to shut up and the ref turned up and he again was inviting parents to the car park for a fight, and telling them to fuck off.*
- (iv) *I would say he was average build, quite tall, and had blonde hair. I would certainly recognise him again..."*

29. Mr Truesdale attended the hearing and gave live evidence which we summarise:

- (i) *Mr Truesdale said he stood by the contents of his written statement, and confirmed that his evidence was that the Banbury "linesman" had called him a "fat cunt" and soon after that Mr Truesdale had said the word "prick" towards the "linesman".*
- (ii) *Mr Truesdale did not recall any other Hanney spectator confronting the "linesman".*
- (iii) *There "probably" were some swear words used by the Hanney spectators toward the "linesman" but Mr Truesdale couldn't recall exactly what.*
- (iv) *Mr Truesdale was initially sitting down, a player said to him "come on lino" and the "lino broke into swearing". It was at this point that Mr Truesdale stood up and also said "come on lino" and the "linesman" replied "fuck off fat cunt".*
- (v) *Mr Truesdale had the dog with him, a St Bernard and it was on a short leash. When he approached the "linesman" he said "who do you think you are...you're a prick" and the linesman said "put your dog away".*
- (vi) *Mr Truesdale's wife was with him when he went up to the "linesman" but she fell over.*

30. Neil Tappin (Hanney Coach): In an undated statement reports:

- (i) *"...The match between hanney [sic] youth and Banbury kicked off at 1pm. The manager of the team kept coming over to me a number of time asking about the key for the toilet before and during the game kick off. I responded with that I believe Steve knows we're the key is and will unlock it once he gets here. Once Steve arrived I ask him can he look into the key for the toilets. This took up a lot of Steve's time and didn't alow [sic] him to keep a full eye on the game.*
- (ii) *At the end of the first half Ashton came across to me showing the scratches up both of his arms from Banbury having a corner. Both myself and Ashton went to show the ref what was happening and he said there is nothing he could do as the ball was out of play at the time. He did say he will look out for it in the second half.*

- (iii) *At the start of the second half about 5 or so minutes in to the game there was a something going on near the home supporters. I walked over to the ref and asked what was going on. And he replied with the linesmen is going to change. Thinking that he had asked the linesmen to leave. The ref asked me to have a word with the home supporters and ask them to calm down. I did this and asked them to calm down and what went on. To witch [sic] the pedants [sic] said that the linesmen was the one being threatening and was asked them to meet them in the car park. After being asked to stop coaching from the sidelines.*
- (iv) *At the end of the game i went up to the Banbury manager to shake his and some of the Banbury team as well. The lads started coming back over to myself and steve [sic] and i noticed that some of are lads were lagging be hind so i went over to them and the coach from the Banbury team was confronting some of are players Ashton. Josh and Bradley and saying to his son to lay Ashton out. I pulled the boys away and asked them to go over by Steve. Once we were over by Steve the lads showed that they have scratches on there arms and necks. Josh went over to the ref and ask how is the coach still on the side lines coaching the team when he was asked to leave. I can't remember what the ref said but I asked josh to leave it and walk away. On the way back over colm [sic] are linesmen didnt [sic] look happy and said that he was getting verbal abused by the coach as well...."*

31. Mr Tappin attended the hearing and gave live evidence which we summarise:

- (i) *Mr Tappin confirmed he stood by the contents of his written statement.*
- (ii) *Mr Tappin, the Hanney assistant coach, witnessed quite a few incidents, but did not hear any swearing because he was on the other side of the pitch.*
- (iii) *Mr Tappin asked the ref if he should calm down the Hanney parents and so he spoke to the parents.*
- (iv) *One of the parents said the linesman had said he would meet them in the carpark.*
- (v) *When asked if any of the Hanney parents had got angry, Mr Tappin said "more bemused than anything else", he didn't hear any swearing from the Hanney youth spectators but couldn't guarantee that they hadn't sworn.*

32. Chris Ratcliffe (Hanney parent): In a statement dated 3rd January 2024 reports:

- (i) *".... I was watching my son play in the match between Hanney Youth Under 16 and Banbury United Youth Under 16 at Hanney's home ground at West Hanney Playing Field on the 17th December 2023 which started at 1pm.*
- (ii) *I am unsure of the exact time but sometime during the first half there was a tackle/challenge by a Hanney player on a Banbury player and the linesman from the Banbury team, who I recognise from other matches we have played previously as one of the coaches or managers of the team, shouting at the referee after the referee said play on. He was being aggressive in his manner pacing around, waving his arms and shouting "that's a foul, you could hear boot on shin". At this point I was around 5 metres away from the linesman. One of the parents from the Hanney team who I know as Richard Truesdale, who was sat in a chair at the time, said to the linesman "just be quiet and do your job as a lino" another Hanney parent who I know as Graham Sloper also said to the linesman "stop coaching your team" as the Linesman had been constantly coaching his team while being the linesman, which is unfair and biased. The linesman then turned round and started shouting at Richard Truesdale and Graham Sloper that they should shut up. The linesman then began arguing with a few other Hanney parents and would not back down in his manner or aggressiveness.*
- (iii) *Richard Truesdale stood up from his chair and the linesman said "don't come at me with your dog you fat twat" Richard Truesdale did not approach the linesman and kept his distance from him at all times and at this point the referee then came over to separate all those involved. Someone else from the Banbury team then came over to take over the role of the linesman and then the original linesman went back over to the Banbury's coach's area on the other side of the pitch.*
- (iv) *During the whole event which only lasted a minute or so I had a clear view of the linesman and around 5 metres away from him and would recognise him again if I saw him. He was a male who looked around 30 to 35 years old, with blonde short hair and of medium build..."*

33. Colm Kenneally (Hanney parent): Made a statement dated 4th January 2024:

- (i) *"... During the second half of the Hanney U16 v Banbury match, I heard the Banbury assistant manager saying to one of their players "kick their defender- I don't care any more". This was referring to our defender Ashton Truesdale. I brought this to the attention of the referee, who spoke to the assistant manager.*
- (ii) *Following this, the assistant manager then called me a "twat", which I also brought to the attention of the referee, who spoke to the assistant manager again ..."*

34. Colm Kenneally attended the hearing and gave live evidence which we summarise:

- (i) *Mr Kenneally confirmed he stood by the contents of his written statement.*
- (ii) *Mr Kenneally was quite close to the Banbury linesman when the linesman said the word "twat" towards him.*
- (iii) *Mr Kenneally did not hear any Hanney use any foul language towards the Banbury linesman.*

35. Nicky Tappin (Hanney parent): Made a statement dated 4th January 2024:

- (i) *"... I am Nicky Tappin, a parent of one of the Hanney youth U16's players. This is my statement in the aftermath of events from the Hanney youth vs Banbury United youth U16s football match on the 17th December 2023.*
- (ii) *I was sat in my chair waiting for the second half to begin when the linesman came over and stood in front of me and said 'I don't like it over here, I feel very exposed in front of these people' while waving his hand towards the Hanney youth spectators. I replied 'we are nice people' to which he laughed.*
- (iii) *As the second half kicked off, he was coaching his team and not keeping his role as linesman as the priority. Unfortunately I had to leave this area for a short time, to see if I could assist the Hanney youth manager who was looking for a key to the club toilets, but we were unable to locate it. As I returned to my chair, there was an altercation in process between the linesman and some of the Hanney youth spectators, I heard the linesman shouting "meet me in the car park' in the direction of the Hanney youth spectators....*

36. Nicky Tappin attended the hearing and gave live evidence which we summarise:

- (i) *Mrs Tappin confirmed she stood by the contents of her written statement.*
- (ii) *Mrs Tappin witnessed an altercation between the Banbury linesman and some of the Hanney spectators.*
- (iii) *Mrs Tappin could hear raised voices but by the time she got to the altercation all she could hear was the linesman saying, "I will meet you in the carpark".*
- (iv) *When asked what she had heard the Hanney spectators say, Mrs Tappin told us all they had said to the linesman was "stop coaching". Mrs Tappin heard raised voices but couldn't make out what was being said except the linesman saying, "meet me in the carpark". The Hanney parents were laughing in response.*
- (v) *Mrs Tappin was asked if she had seen Mr Truesdale, or his dogs go on the pitch and she replied "definitely not".*

37. James Shayler-Brown (Hanney parent): In an undated statement reports:

- (i) *"... Banbury lines man- 6ft2 ish, blonde hair, early-mid 30s
Second half of the game. The linesman tried to influence the refs decision by saying " that's a fucking foul ref" 5 or 6 times. After the ref made his decision and paid min attention to the lines man...*
- (ii) *Richard Truesdale a Hanney parent, asked him to "pipe down". The linesman got a aggressive and told Richard to "sit down and shut the fuck up you fat prick". Richard stood up and told the linesman to " shut up, it's a kids game" in responsive to that the linesman turned more aggressive and offered Richard a fight in the car park " you fucking wanna go were go in the car park".*
- (iii) *I then told the linesman along with numerous parents to " calm it down, we're at a kids game" the linesman continued to be aggressive towards all parents and told them all he will fight any one of them in the car park.*

- (iv) *The ref removed him as linesman, he went to the other side of the pitch where the managers were. He continued to shout abuse to our 15 year old centre back and told him he would get his son to fight him. Jayden shayler - brown [sic] was playing right back in the second half of the game and heard the previous linesman (assistant coach for Banbury) he offered to fight the centre back Ashton who is also 15, in the car park after the game. Ashton ignored the comments and continued to play football. Jayden also heard him tell his son who was playing for Banbury after the game ended that "I give you permission to go beat him up...."*

38. Graham Sloper (Hanney parent): In a statement dated 3rd January 2024 reports:

- (i) *"... Basically, the coach running the line was constantly coaching his side and not really paying attention to running the line correctly.*
- (ii) *I politely asked him if he could stop doing it as it's unfair and running the line should be done without bias. You are also classed as an official whilst the game is progressing.*
- (iii) *His response was to turn around and move towards me whilst the game was going on and told me to mind my own fucking business and to fuck off.*
- (iv) *He then also didn't let it go and became more aggressive, and at this point verbally abused Richard Truesdale.*
- (v) *The assistant coach was of a tall medium build, with blonde hair. I would recognise him if I saw him again..."*

39. Mr Sloper attended the hearing and gave live evidence which we summarise:

- (i) *Mr Sloper confirmed he stood by the contents of his written statement.*
- (ii) *The Banbury linesman had said the words "fuck off" to him in "quite an aggressive manner".*
- (iii) *Mr Sloper also heard the Banbury linesman "verbally abusing" a Hanney spectator called Richard Truesdale. Mr Sloper was close by and heard the Banbury linesman say to Mr Truesdale "mind your own fucking business".*

- (iv) *Mr Sloper was asked whether he had heard Mr Truesdale say the word "prick" towards the linesman, Mr Sloper replied: "I didn't hear that...Richard didn't say much...".*
- (v) *Mr Sloper was asked if he had heard any Hanney spectators swearing, he replied: "Not directly towards him [the linesman]...just amongst themselves...". When asked to clarify what he meant by not directly towards the linesman, Mr Sloper explained that the swearing was amongst the Hanney spectators themselves...saying things like "what the bloody hell you doing"...Mr Sloper added "we didn't swear at him".*
- (vi) *Mr Sloper did see Mr Truesdale get up but Mr Truesdale did not walk towards the linesman.*

CLOSING SUBMISSIONS

40. We heard closing submissions made by Mr Truesdale for which we were grateful and duly considered in reaching our decision.

DECISION MAKING PROCESS

- 41. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission members. We are entitled to consider the demeanour of the witness. We have to assess the credibility of a witness (that is whether a witness is attempting to tell the truth) and the reliability of a witness (that is whether, although a witness may be attempting to tell the truth, their evidence might not be relied upon).
- 42. Where there are discrepancies between witnesses, it is for us to decide which evidence to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for us to assess if the discrepancy is important and lends assistance to the determination of whether or not a charge is proved or not proved.
- 43. Having decided which evidence we accept and reject, we then have to decide on the balance of probabilities if the alleged breach of the FA Rule(s) is established.

HANNEY YOUTH FINDINGS

44. The E21 Charges in this case posed a test which can be summarised by the following rhetorical question:

Can the Commission on a balance of probabilities be satisfied that Hanney Youth failed to ensure that its spectators/supporters acted in an orderly match whilst attending the fixture against Banbury on 17th December 2023?

45. The County relied on amongst other things that the word “prick” had been said to the “linesman” [Justin Barnes] by a Hanney spectator.

46. What was not in dispute was that a Hanney supporter, Richard Truesdale admitted in his evidence that he had said the word “prick” towards Justin Barnes whilst Mr Barnes was acting as linesperson.

47. Mr Truesdale’s son AT in his evidence, confirmed that his father had said the word “prick” and added that his father had to be “contained” by one of his friends.

48. We found Richard Truesdale and his son AT to be candid and honest witnesses.

49. That said, we make it plain at this stage that on Mr Truesdale senior’s admission alone, we felt that the E21 Charge was made out, and there can be no justification for using such language towards a match official, whatever events may have preceded the saying of such a repulsive word.

50. Aside from Mr Truesdale’s admission of saying the word “prick” to the linesman, we also heard other evidence that we found to be capable of making out the charge if accepted.

51. Turning specifically to the evidence of the referee Mr Bush, he was clear that there was *“lots of swearing...involving Mr Barnes and at least 2-3 Hanney spectators”*. Mr Bush described the language being used as *“F’ing and blinding...fucking this and fucking that...”* Mr Bush also told us that *“...Mr Barnes and the Hanney spectators were swearing at each other”* whilst Mr Barnes was acting in the capacity of linesman.

52. We also heard from a Banbury parent Laura Wearing who said to us that
"...Justin [Barnes] was just as much at fault...both parties were at fault... [AND]...she was "100% sure that at least one of the dogs went on to the pitch at the time Justin Barnes was acting as linesman...Both Justin Barnes and the Hanney parents were F'ing and blinding" at each other...."
53. We found both Mr Bush the referee and Laura Wearing to be credible and reliable witnesses, who gave us what we considered to be a balanced and accurate account of events, which clearly implicated both Mr Barnes and the Hanney spectators in the wrongdoing that led to these charges being brought. To be clear we found that the use of foul language used towards the linesman by the Hanney spectators, as described in the statements of the referee and Laura Wearing, to be easily capable of making out the E21 Charge.
54. We nevertheless went on to consider the evidence of the Hanney witnesses we heard on the second day of the hearing (Richard Truesdale and AR we heard on day 1). To be frank we did not find the other Hanney witnesses to be as forthcoming as Mr Truesdale and his son. We found it peculiar that despite being able to describe the unsavoury acts and words used by Mr Barnes, none of the remainder of the Hanney witnesses claim to have heard any Hanney supporter use foul language towards the referee. We found this omission to be troubling and the evidence of the remaining witnesses, somewhat selective in nature generally.
55. To be plain, we much preferred the non-partisan evidence of Mr Bush and Laura Wearing who we found to be impressive witnesses. In short, we accepted their evidence in its entirety.
56. To be clear, we had no trouble in concluding that both Mr Barnes and the Hanney spectators were at fault in fuelling this unsavoury incident that sadly occurred in the midst of a youth game.
57. Whilst we accepted that there was provocation by Mr Barnes, this did not provide a defence, and we rejected any notion that the Hanney spectators were innocent bystanders in this unpleasant incident.
58. For the avoidance of doubt, on a balance of probabilities, we unanimously found the case against Hanney Youth proved as charged.

SANCTION

59. Having found the case proven we were provided with details of Hanney's football record.
60. Hanney, who have 15 teams, have no previous offending history since being formed as a club in 2006.
61. We found a number of mitigating factors:
- (i) Good record.
 - (ii) Element of provocation by Justin Barnes toward the Hanney supporters.
62. We found the use of language involving the word "prick" towards a match official to be an aggravating factor.
63. We considered all the circumstances in the case, the aggravating and mitigating factors and the guidelines under FA Regulations. We found the case fell within the higher end of the lower bracket within the FA Sanction Guidelines.
64. After considering these factors, we imposed the following sanction:
- (i) £50 fine.

JUSTIN BARNES GUILTY PLEA

65. We then turned to consider the guilty plea entered by Mr Barnes. As noted above, Harry had pleaded guilty to one charge of misconduct contrary to FA Rule E3:
66. Accordingly, by virtue of his plea, Mr Barnes has admitted that during the Hanney v Banbury match, he used the following language towards opposing spectators: *"shut up" and/or "don't come at me with your dog you fat twat" and/or "shut up you fat cunt" and/or "fuck off, meet me in the car park after the game"*

67. We were informed that Mr Barnes has no previous incidents of misconduct recorded on his record.

68. We say at the outset we considered the language used at a youth match, by a person entrusted to be a match official, as wholly inappropriate whatever the circumstances that preceded the repugnant outburst by Mr Barnes.

69. In terms of aggravating features, we found:

- (i) Abusive language used at a youth game.
- (ii) Language used by a match official.

70. In respect of mitigating factors, we found:

- (i) Guilty plea.
- (ii) Good record.

71. Balancing all the aggravating and mitigating factors we found that this case fell within lower end of the high bracket of the sanction guideline. Accordingly, the sanction imposed was:

- (i) 4 match ground ban.
- (ii) £50 fine.

72. There is a right of appeal against this decision in accordance with the relevant provisions set out in the Rules and Regulations of the FA.

Mauro Maselli (Independent FA appointed Chair)
11th April 2024