THE FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION

Sitting on behalf of Oxfordshire Football Association

CONSOLIDATED NON-PERSONAL HEARING

of

TILEHURST PANTHERS Ref: 11427932M

and

BANBURY UNITED FC Ref: 11450580M

THE DECISION AND THE REASONS OF THE COMMISSION

Introduction

1. These are the written reasons of Ruth Mann ("Chair" or the "Commission"), having considered the matter on the papers as Chair alone on a Non-Personal Hearing basis.

2. These written reasons obtain a summary of the principal evidence before the Chair and does not purport to contain reference to all points made. The absence in these reasons of any particular point, piece of evidence or submission should not imply that the Chair did not take such point, piece of evidence or submission into consideration when determining the matter. For the avoidance of doubt, the Chair has carefully considered all the evidence and materials provided in this matter.

The Charges

3. By a Misconduct Charge Notification dated 3rd November 2023, issued by the Oxfordshire FA against Tilehurst Panthers ("TP"), TP was charged as follows:

   a) FA Rule E21 – 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, the particulars of the charge being 'that during the fixture a spectator used foul and / or abusive and or/insulting language towards the match official'.

4. TP responded to the charge on 6th November 2023, accepting the charge and requesting a Non-Personal Hearing.

5. By a Misconduct Charge Notification dated 3rd November 2023, issued by the Oxfordshire FA against Banbury FC ("B -FC") B-FC were charged as follows:

   a) FA Rule E21 – 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, the particulars of the charge being that B-FC failed to ensure that spectators, and or all persons purporting to be supporters, or followers conducted themselves in an orderly fashion and refrained from improper, violent, threatening abusive indecent, insulting, and or provocative words and or behaviour. This refers to an allegation that a spectator used abusive language towards a match official. It is further alleged that the same spectator used threatening language by saying "see you in the carpark" or similar.

6. Oxfordshire FA received a reply from B -FC on 3rd November 2023. B-FC admitted the charge and were content for the matter to be dealt with via a Non-Personal Hearing.

7. As the offences were alleged to have been committed during and after the same match (being the fixture between TP's and B-FC on 8th October 2023 "the match") and there was related or common Association evidence, the proceedings against each of the parties were consolidated, as per Regulation 13 of FA Disciplinary Regulations, and were therefore considered at a joint hearing.

Evidence

8. As aforementioned, the following is a summary of the principal evidence only. Where the written statements provided to the Commission contain typographical and/or grammatical errors, they have been recorded as drafted, without correction, to provide a true and accurate reflection of the evidence which has been submitted.

9. Following the match, the Match Referee, Christopher Ball ("CB") completed a County Association Report Form. Reference was made in this report to an incident involving an "Abbey or Abby" who was linked to a Lisa Downes (Lisa Downes, being a related but Non-Serious Case, which is before the Panel but does not require written reasons). CB states when asking for her (Abbey or Abby's) name he was called *"a fucking racist wanker."* When CB asked for her name, he was told by the spectator to *"fuck off you cunt."* In addition, CB states that when she walked away she shouted *"have you got anything better to do."* CB states that another swear word was used but he cannot remember the word. CB submitted an Extraordinary Incident Report which contained the above information. CB has recorded that the person who said the words was associated with TP's.

10. CB submitted a second Extraordinary Report on 8th October 2023. This report CB states that in the 62nd minute he was called a *"fucking racist cunt"*. CB states he *"asked for Marks name and he said 'your not getting it, you racist' I asked for the Banbury managers help and he asked for Mark to leave. When he was walking away he made a threat to me about 'seeing me the carpark."*

11. CB was asked for more information in respect of the above allegations. CB confirmed to the County FA via additional email that 'Mark' the spectator was approximately 2 yards away when he said 'aggressively' that he would see CB in the carpark. CB also confirmed that 'Abbey' was a spectator.

12. The Commission has considered the statement (undated) submitted by a Mark Andrews (MA). MA is referred to as the Manager for Banbury United Women's. MA states that he was called over by CB to assist with a spectator. CB was asking the spectator his name and the person was refusing to comply. MA states he heard the spectator 'heckle' the referee and invite the referee to *"continue the discussion in the carpark."*

13. A statement from Lisa Dixon (LD) (undated) has been considered by the Commission. LD states she is a Director of Banbury United. However, at the match she there in the capacity of a spectator. LD states the fixture was on 7th October 2023. However, all other evidence / information is clear the match was in fact on 8th October 2023. Whilst it would be wrong form the Commission to 'assume' that LD is mistaken the incident LD is referring to is the same incident that has been reported above.

14. LD states she did not hear the words used to CB. However, she did note that MA was called over by CB to assist with a spectator. LD states she is unaware of the male supporter's name but knows him by sight. He attends to support the men's team. LD has stated that when the spectator attends the ground again, he will be formally warned about his behaviour and threatened with a ban. LD states there was a second incident whereby a Tilehurst fan called the referee racist after a sending off of a black player. LD states she *'this comment I did hear."*

15. No other witness evidence was submitted by the County FA in support of the charge. No other evidence or information was provided by or on behalf of either Tilehurst Panthers or Banbury FC Women's.

16. I was not required to decide on whether the charges were proven as they had already been accepted. However, for the avoidance of doubt the Commission would have found them proven because the comments made were threatening (*'I'll see you in the car park'* which was said aggressively) and abusive (*"fuck off you cunt", "fucking racist wanker")*

17. **Liability**

18. The Commission reminded itself that the burden of proving a charge falls upon the County FA.

19. The applicable standard of proof required for this case is the civil standard of proof, namely, the balance of probability. This standard means the Commission would be satisfied that an event occurred if it considered that, on the evidence, it was more likely than not to have happened.

Sanction Banbury United FC

20. The Commission went on to consider sanction. For the avoidance of doubt, the Commission only considered the allegations in relation to the charges outlined above.

21. The Commission was made aware of TP's previous disciplinary record on the last 5 seasons.

22. When considering the sanction the Commission had regard to the relevant provisions within the FA Rules, namely the Standard Sanctions 2023/24. The relevant sanction guideline is:

Low	£0-£70
Medium	£70-£140
High	£140-£300

23. In terms of mitigating factors, the Commission notes the comments of the Director LD. Action is to be taken in respect of the specific spectator. The Commission considers the actions of Banbury United FC to be a mitigator factor. In addition, there is no similar E21 or E20 misconduct history. A further mitigating factor is the early guilty plea.

24. The Commission considers there no other aggravating factors other than the offence itself. The Match Official was threatened with the words "ill see you in the car park". These words were said with an intent to cause concern to the Match Official. Whether the threats would have been carried out or not is irrelevant.

25. Taking all the above into consideration, the Commission concluded that the appropriate sanction was a fine of £70. In reaching this sanction the Commission takes into consideration the mitigating factors.

26. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Sanction Tilehurst Panthers.

27. The Commission was made aware of TP's previous disciplinary record on the last 5 seasons. TP's have 18 teams. They have a poor disciplinary record, and this is noted by the Commission. There are 11 misconduct charges from 2018 to 2022. There are E20 charges from 2019 and these are viewed as aggravating features.

28. When considering the sanction the Commission had regard to the relevant provisions within the FA Rules, namely the Standard Sanctions 2023/24. The relevant sanction guideline is:

Low	£0-£70
Medium	£70-£140
High	£140-£300

29. In terms of mitigating factors, the Commission notes the early guilty plea.

30. There are no aggravating features other than the fact the language was abusive and improper.

31. Taking all the above into consideration, the Commission concluded that the appropriate sanction was a fine of £100. In reaching this sanction the Commission takes into consideration the mitigating factors.

32. This decision is subject to the right of appeal under the relevant FA rules and Regulations.

Ruth Mann

8th November 2023

Independent legal Panel Member, Disciplinary Commission Chair