

DISCIPLINARY COMMISSION

Sitting on behalf of the Surrey Football Association

IN THE MATTER OF THE NON-PERSONAL HEARING

of

S.M. TITANS FOOTBALL CLUB CASE ID 11045170M

CASE ID 11045232M

DECISION AND WRITTEN REASONS OF THE DISCIPLINARY COMMISSION

BACKGROUND AND HEARING

1, The Disciplinary Commission, in the form of an FA appointed Chair sitting alone, adjudicated on 21st December 2022 upon charges brought by the Surrey Football Association (“Surrey FA”) against SM Titans Football Club in respect of alleged misconduct by a Club spectator, Club players and Club officials during a match between S.M. Titans Football Club 1st (“S.M. Titans”) and Byfleet Village Men’s (“Byfleet”) on 20th November 2022.

THE COMMISSION

2. The Chair appointed to the Commission was Mr Michael Weeks (member of the National Serious Cases Panel).

THE CHARGE

3. Surrey FA charged S.M. Titans as follows:

Charge: FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

The particulars of the charge (brought under FA Rule E20) supplied to S.M. Titans were as follows:

“It is alleged that S.M. Titans failed to ensure that directors, players, officials, employees, servants, representatives 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 E20.1. This refers to the allegation that during a mass confrontation the club assistant referee has been ushered to the ground or similar”.

Charge: FA Rule E21 - Failed to ensure spectators and/or 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 (brought under FA Rule E21) were as follows:

“It is alleged that S.M. Titans failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct 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. This refers to the allegation that during the mass confrontation between S.M. Titans & Byfleet Village Mens a spectator have entered the field of play and is alleged to have punched a Byfleet Village Mens player or similar”.

CONSOLIDATION.

4. Surrey FA had also charged Byfleet Village with a breach of FA Rule E20:

Charge: FA Rule E20 – Failed to ensure directors, players, officials, employees, servants, representatives, conduct themselves in an orderly fashion whilst attending any Match.

The allegation was that “after awarding a free kick the referee had witnessed players from Byfleet Village involved in a mass confrontation with players from S.M. Titans the game was abandoned because of this incident”.

These written reasons refer only to the charges brought against S.M Titans. However, the Commission Chair consolidated the charge brought against Byfleet Village with the charges brought against S.M. Titans and decided all charges together in accordance with FA practice and guidance:

- (1) The alleged misconduct from both Clubs occurred during the same match.
- (2) The evidence was common to both sets of matters.
- (3) It was fair and right that the same Commission decided both sets of matters.

NOTE: Mention may be made in these reasons of the alleged misconduct by Club players and other representatives of Byfleet Village because both Clubs were involved in the match and an alleged confrontation. However, it should be noted that the inclusion of any evidence or comment/ statement

concerning Byfleet Village should not be taken as indicative of any view taken by the Commission Chair in relation to the charge against Byfleet Village. The result of the deliberations in respect of the charge brought against Byfleet Village will be found at paragraph below.

THE PLEA

5. S.M. Titans had not entered a plea to either of the charges brought against the Club, nor had the Club responded to the charges by the due date of 14th December 2022 or subsequently. In the circumstances, the Commission Chair would decide both matters relating to S.M. Titans in the absence of the Club and on the basis that a “Not Guilty” plea had been entered to both charges.

Byfleet Village had entered a plea of “Guilty” to the charge against the Club (FA Rule E20) and had requested that the Club’s matter be heard in the Club’s absence.

THE EVIDENCE

6. The following is a summary of the principal evidence and submissions provided to the Commission Chair. It does not purport to contain reference to all the points made. However, the absence in these reasons of that point or submission does not mean that the point or submission was not taken into consideration when the Commission Chair determined the matter. For the avoidance of doubt the Commission Chair has carefully considered all the evidence submitted with regard to this case.

7. The Commission Chair was supplied with the following documents:

Misconduct Charge Notification Form (FA Rule E20 – S.M. Titans) dated 7th December 2022.

Misconduct Charge Notification Form (FA Rule E21 – S.M. Titans) dated 7th December 2022.

Extraordinary Incident Report Form dated 21st November 2022 from SH (Referee).

Witness statement dated 27th November 2022 from AL (S.M. Titans player but acting as an Assistant Referee/linesman at the relevant time).

Witness statement dated 27th November 2022 from BM (S.M. Titans Manager).

Witness statement dated 27th November 2022 from TJ (S.M. Titans spectator/supporter).

Witness statement dated 22nd November 2022 from PH (Byfleet Administrative Manager and Assistant Referee).

Witness statement dated 27th November 2022 from BF (Byfleet player).

Witness statement dated 27th November 2022 from LB (Byfleet player).

Witness statement dated 27th November 2022 from ST (Byfleet player).

Witness statement dated 21st November 2022 from TM (Byfleet player).

Photograph of alleged injured players (undated) (presumed from Byfleet).

Emailed request to S.M. Titans for information dated 29th November 2022 from Surrey FA.

Emailed reply (undated) from S.M. Titans to the request for information.

Sundry Emailed administrative correspondence between Surrey FA and S.M. Titans and Surrey FA and Byfleet.

Whole Game System extract (S.M. Titans) confirming “nil response” to the charge.

8. The Commission Chair’s summary of the evidence is as follows:

This League match was played on 20th November 2022. The “home” team was S.M. Titans. The Referee was SH who reported that the match was “hard – fought “ and which had included 6 (six) cautions in total. The Referee had warned a player from each team during the second half about their verbal remarks to each other. The S.M. Titans player who was warned had entered the match as a substitute and the Referee implied that this player was probably more at fault.

The game was halted in the 91st minute as the Referee wished to caution a Byfleet player for a reckless tackle on the halfway line. As he was administering the caution, and having asked S.M. Titans to delay taking the free kick whilst that happened, the Referee “looked up to see the majority of both sets of players in the penalty area of Byfleet Village. As I began to walk towards them, I then saw players from both sides engaging into confrontation that very quickly escalated into what can only be described as a pub fight. At the time I was approximately 60 yards from the incident. I was not able to identify any know(n) individuals and from the violence that I was witnessing, punching, kicking, pushing and holding. I was not willing to go too close. However, as I blew my whistle, on several occasions, to No effect, I saw side line players and coaches come over and also engage in the incident. I was now about 20 yards away and witnessed the Byfleet Village Linesman (Who had been in the role throughout the game try to do his best and separate both sets of players. At the time he had in his possession a Linesman flag which was clear to be seen. I then saw him grabbed by an S.M. Titans player and pushed in the chest to where he fell onto the floor. The violence then escalated even more with both sets of players having running battles with each other and landing clenched fist punches towards each other. I could not individually identify anyone and in the light of the violence I was witnessing remained a distance away for my own protection. However, this is some of the worst violence I have seen whilst officiating a football match. The incident went on for about 5 minutes. I called in the two captains and abandoned the match. As I walked away, I went to check on the Byfleet Village linesman and was made aware that Three (3) of his players had a cut cheek, cut lip, and red face from the incident”. “This report I report not only in light of violent conduct by both teams but also the Assault on Byfleet village linesman”.

AL, a S.M. Titans player, who was also the team Secretary and acting as an Assistant Referee/linesman at the time, made a statement. He said that hitherto the game had not been a “vicious” one; yellow cards had been shown, but “nothing reckless”. When a free kick was awarded to S.M. Titans, the player taking the kick picked up the ball but was pushed by a Byfleet player. “This then led to a push back out of self-defence. Within seconds the same player threw a punch at our player, this then escalated so quickly and fighting started to happen”. AL was unable to identify “who was involved” except to say that “the majority of people throwing punches was Byfleet”. AL did not know how the (other) linesman ended up on the ground but he, AL, did see the linesman on the ground.

BM, the S.M. Titans Manager, confirmed that the match had not been “concerning” despite yellow cards being shown. The game was “competitive”. When the free kick was awarded, a Byfleet player “then pushed one of our players which then resulted in a push back in self- defence, then within seconds that same Byfleet player tried to throw a punch and missed and that’s what started the fighting, as for the linesman that was stood next to me, all I can remember was me and him running

on to try and break it up with fellow players/supporters from both teams trying to break it up and resulted in the linesman being knocked to the floor. As of that there isn't much more to say".

TJ was watching the match as a S.M. Titans supporter. When the relevant free kick was awarded to S.M. Titans "there were a few pushes between players in the middle of the mix up waiting for the free kick then a Byfleet player decided to try and hit a small S.M. Titan player who was half the size of him. I ran onto the pitch to try and break teams up and it was stopped very quickly. There were punches from both teams but to start a fight is completely different to self-defence".

PH was the Byfleet Administrative Manager and acting as Assistant Referee. He was in line with the free kick and he saw "LB stumble out of the line towards the goal direction with punches flying around. Immediately I ran onto the pitch shouting for Byfleet players to move away to be suddenly pulled back and spun round fell to the floor on my back, I did lay there for a few seconds thinking what has happened. I got up to see players just milling around but then saw Byfleet 14 LB on his back by the side line with a Titans play(er) above throwing punches at him". A Byfleet player dragged the S.M. Titans player off LB and the match was then abandoned. PH was told by a Manager from a team waiting to use the pitch that he, the other Manager, had seen "one of Titans supporters dressed in grey tracksuit top and bottoms had swung an upper punch straight into the Byfleet player's face" (later discovered to be BF). LB also described to PH how he, LB, had pushed a Byfleet player who had "stamped on his (LB's) foot"; LB had pushed the player off him and then been "set upon by several Titan players".

BF, a Byfleet player, described how LB had had a confrontation with a Byfleet player as the free kick was about to be taken. LB had pushed the Byfleet player after being threatened and having his (LB's) foot stamped on. "All of a sudden Player A had started throwing multiple punches at LB's face". Three players from S.M. Titans were involved in punching a Byfleet player. These players were being pulled away and when the Assistant Referee intervened, he "was met with a push and shove like a rugby tackle to the floor". "An S.M. Titans player punched ST (a Byfleet player) in the face below the eye". "A spectator from the opposite team had come out of nowhere and I didn't see him coming. He has suckers punched me. The mouth/jaw area". "I just remember hitting the floor and being very confused". The injuries to all were noted and the game abandoned.

LB remembered "moving a player" off him who was "digging his studs into me". The other player "started to promote conflict by initiating a fight". Other players "jumped in to join" and the original player from S.M. Titans who had initiated the fight punched out at players from Byfleet who tried to stop the fighting. The Assistant Referee was "shoved to the ground" by an S.M. Titans player.

ST, the Byfleet captain, described how the opposition were giving "verbal" which was "getting worse and worse" during the match. He, ST, was the player about to be cautioned when he "turned round" and "I see a massive brawl going on in the corner and people of their team on the side line came onto the pitch and started punching our players. As it calmed down they then pushed our linesman over". "As I saw that I pushed the person that did it away. As I was doing that I got punched around the face, which has caused me to have a black eye and swelling for multiple days now".

TM noticed, at the time of the free kick award, an S.M. Titans player "backing into our no 14 (L) and looked like he stamped his foot down". L became involved by saying something; a "short blonde guy" "seemed to lose his head and instantly began throwing punches at L". TM said that at that point there was a lot of pushing and shoving "and a few more punches from multiple titans players". TM saw the Byfleet linesman "get shoved to the floor" when he, the linesman, was trying to stop two players "going at each other". TM was not surprised when the match was abandoned.

The photographs show three individuals' faces – one with a cut/scar above the right cheek, a second with an apparently bruised/cut lip, and a third also with a cut/bruised lip. The names ST and BF appear on the photograph extract but it is not clear "who is who" in the photographs.

The administrative emails within the evidence bundle consist of correspondence from Surrey FA to Byfleet and to S.M. Titans outlining in brief that an investigation was under way and requesting statements. One salient email contained a request of S.M. Titans as to the identity, if known, of a person who may have pushed the Referee. AL from S.M. Titans said that his team had said to him that the linesman had fallen when players were “going into him”. Al did not see a push “just a mass confrontation”.

THE STANDARD OF PROOF.

9. In order to find S.M. Titans “Guilty” of either or both charges, the Commission Chair would have to be satisfied that it was more likely than not, that the Club was guilty ie on the balance of probabilities.

THE HEARING.

10. The Commission Chair studied the evidence carefully and took time to consider the matter. He was mindful throughout of the standard of proof.

The Commission Chair was conscious of the fact that in relation to the charge brought under FA Rule E21 against S.M. Titans, the evidence suggested that one spectator only was involved and that the two witnesses to that incident had not made statements but that the evidence from those two persons took the form of “hearsay” evidence related by PH and BF. In relation to the charge brought under FA Rule E20, the statements from S.M. Titans tended to suggest that LB, the Byfleet player involved in the “free kick altercation” had “thrown the first punch”.

In neither case (FA Rule E20 or FA Rule E21) had the Club raised any formal defence to the charges.

In making his decision the Commission Chair would adopt, so far as they were relevant, the standards, beliefs and sensitivities of a reasonable member of contemporary society.

THE DECISION.

11. The Commission Chair found S.M. Titans “Guilty” of the charges brought under FA Rule E20 and FA Rule E21.

THE REASONS FOR THE DECISION.

12. FA Rule E20.

- (1) The Commission Chair was satisfied that S.M. Titans had failed to prevent its players from acting in a threatening and violent manner. The Referee saw both sets of players engaged in what he, the Referee, described as like a “pub” fight. All witnesses agree that a number of players were involved and that injuries were caused. The Byfleet Assistant Referee was seen by the Referee to be “grabbed by an S.M. Titans player and pushed in the chest to where he fell on the floor”. The push must have been hard if the person pushed fell over. There was no reason to disbelieve the Referee – he had apparently officiated well. He was the only “impartial” witness to make a statement.
- (2) The Referee described the violence as “some of the worst violence I have seen whilst officiating a football match”. The Commission’s view was that “it takes two to tango” (the Commission’s use of the phraseology) and that both sets of players contributed to the events which led to the Referee making this comment.
- (3) S.M. Titans officials could have ordered the players NOT to respond to any provocation and ensured that standards of behaviour were adopted which at the highest would not have involved retaliating but merely passively preventing violence. The response to any unlawful violence should never have involved indulging in a mass “retaliatory” brawl as witnessed at the end of this match.

13. FA Rule E21.

- (1) PW related how the Manager of another team described seeing an S.M. Titans supporter punch BF. The Manager concerned did not make a statement in writing. PW was able to say that the Manager had described what the spectator was wearing (which suggested that the person was not a player) and that the person was “one of the Titans supporters”. On balance and taken with the other evidence (see below) the Commission Chair was satisfied that a supporter of S.M. Titans was responsible for punching BF.
- (2) BF himself stated that “a spectator from the opposite team had come out of nowhere and I didn’t see him coming”. This suggested that BF did not actually know that he was struck by a spectator. However an S.M. Titans player told BF that “he had saw the spectator sucker punch me out of nowhere where I could see it coming”. This information could not be tested but it sat well with the evidence from H who was told by another Manager the “identity” of the offending person. If BF had been punched by a player, he would surely have known that a player had hit him (presumably by a kit colour); it was not likely that two independent people would be mistaken in suggesting a spectator was responsible. BF was hit by somebody as his injury showed; on balance the Commission Chair was satisfied that an S.M. Titans spectator was responsible.
- (3) No defence was filed by S.M. Titans which would/ could assist with the identity of the person responsible for the injury to BF. The Commission Chair had seen no challenge to the evidence presented.
- (4) The Referee indicated that persons from the side line joined the mass confrontation. Although the Referee stated that it was side line players and officials that joined in, it was conceivable that a spectator was in this group. This evidence provided some support for the other evidence of the participation of a spectator.

- (5) BM, the S.M. Titans Manager, stated that fellow players/supporters did try and break up the fight. This evidence supported the contention that a supporter was involved in the incident involving BF because supporters had evidently joined the fighting.

S.M. Titans had been responsible for the conduct of their players, officials and spectators. The statements suggested that punches were thrown on both sides and that there was no effective “breaking up” of the fighting. In fact, the violence “got worse” before it calmed down. The lack of effective supervision of players and spectators was evident from the Referee’s report. The Commission Chair found both charges proved against S.M. Titans.

THE SANCTION

14. The Commission Chair was assisted in deciding an appropriate sanction in respect of both charges by consulting the FA Sanction Guidelines and the FA Rules and Regulations. He also had sight of the disciplinary record of S.M. Titans. That record disclosed no previous misconduct charges had been brought against the Club within the previous 5 (five) years. The Club comprised one team and appeared to have been recently formed because no cautions or standard punishments were recorded prior to 2019. There were a number of cautions recorded within the last two seasons but the record “on the whole” was good. The Club would be credited with a good record as a mitigating factor in relation to both charges (see below).

The FA Sanction Guidelines recommend a range of sanctions in respect of charges brought against a Club for breach of FA Rules E20 and E21. The ranges are set out according to seriousness of the breach – “low”, “mid” or “high” seriousness. A Commission is required provisionally to assess which if the categories of seriousness the facts of a breach should be placed. There may then follow an adjustment dependent upon whether any aggravating and/or mitigating factors have been found (those features of the case which made it more, or less, serious).

FA Rule E20 (the Players and officials).

The Commission Chair provisionally placed the facts of this breach in the “high” seriousness category. An Assistant Referee was pushed in the chest and fell down as he tried to break up the fighting; almost all players from S.M. Titans were involved and, if officials did try and break up the fighting, they were ineffective. The violence was widespread and injuries were caused to Byfleet players. The match was inevitably abandoned. It was difficult to imagine a “worse” case of a breach of FA Rule E20. The provisional setting would not only place the facts in the “high” category of seriousness but at the “top” of the range of recommended penalties for the “high” seriousness category. In making his provisional assessment, the Commission Chair took account of the fact that one of the “worst” punches thrown was from a spectator (see below) and was not to be taken into account in assessing the seriousness of the behaviour of players and officials, and the evident failure of the Club to prevent the incident taking place and/or escalating.

The fact that the match was abandoned was not treated as an aggravating factor because that was the inevitable result of the outbreak of violence.

The Commission Chair found no aggravating factors. The behaviour of both sets of players was inexcusable, whoever “threw the first punch”. The seriousness of the matter was reflected in its

provisionally treatment as one which merited a sanction at the upper “end” of the range of sanctions recommended for the “high” level of seriousness.

The Commission Chair found one mitigating factor to be present – the good record of S.M. Titans.

The presence of the mitigating factor would cause the Commission Chair to revise the provisional assessment so that the final sanction would be drawn from the middle to upper “end” of the “high” category of seriousness.

FA Rule E21 (the Spectator)

The actions of the spectator in running on the pitch and assaulting BM justified placing the breach in the “high” category of seriousness. There was already a mass confrontation taking place, a punch was thrown causing injury, and, on the available evidence appeared to be a gratuitous punch not “excused” by self defence or “defence of another”.

The involvement of spectator(s) was limited to the one person, and the spectator was no doubt experiencing some sort of “adrenalin rush” (the Commission Chair’s phraseology), when he saw his team embroiled in a brawl. The provisional assessment would be that this breach would be placed towards the lower “end” of the “high” seriousness category.

No aggravating factors were found to be present. The Commission Chair would give credit to S.M. Titans for a good disciplinary record as a mitigating factor. The final sanction would be drawn from the range of penalties at the “low” end of the “high” category of seriousness.

S.M. TITANS WILL BE SANCTIONED AS FOLLOWS:

Breach of FA Rule E20:

1. S.M. Titans Football Club will be fined the sum of £250.00.
2. S.M. Titans Football Club will be warned as to its future conduct.

Breach of FA Rule E21.

S.M. Titans will be fined the sum of £140.00.

CONSOLIDATED MATTER.

14.

BYFLEET VILLAGE FOOTBALL CLUB WILL BE SANCTIONED AS FOLLOWS:

Breach of FA Rule E20.

1. Byfleet Village Football Club will be fined the sum of £250.00.
2. Byfleet Village Football Club will be warned as to its future conduct

APPEAL

15. These decisions are made subject to the relevant FA Appeal Rules.

Michael Weeks (Commission Chair).

21st December 2022.