

**FA NATIONAL SERIOUS CASE PANEL**

**DISCIPLINARY COMMISSION**

**CHAIR PERSON SITTING ALONE**

*Sitting on behalf of Surrey FA*

**CORRESPONDENCE HEARING**

*of*

**TAYLOR COTTEE**

Reigate Road Rangers

**[Case ID: 11075051M]**

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**THE DECISION AND REASONS OF THE COMMISSION**

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Warning: This document contains abusive language.

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### **Introduction**

1. On 13<sup>th</sup> November 2022 the Willoughby Arms 1<sup>st</sup> played Reigate Road Rangers 1st (“the Club”) in a Leatherhead and District Sunday League Fixture, collectively called “the match”.
2. After the match derogatory comments referring to Ethnic Origin were allegedly posted on a WhatsApp group chat by Taylor Cottee (“the Participant”), which were subsequently reported to Surrey County Football Association (“Surrey FA”).
3. Surrey FA investigated the reported incident.

### **The Charge**

4. On 24<sup>th</sup> January 2023 Surrey FA charged Taylor Cottee, a player of Reigate Road Rangers with:
  - i. Misconduct for a breach of FA Rule E3 – Improper conduct (including foul and abusive language).
  - ii. Misconduct for a breach of FA Rule E3.2 – Improper conduct – aggravated by a person’s Ethnic Origin, Colour, Race, Nationality, Faith, Gender, Gender Reassignment, Sexual Orientation or Disability.

It is alleged that Taylor Cottee used abusive and/or indecent and/or insulting language contrary to FA Rule E3.1, and it is further alleged that this is an aggravated breach as defined by FA Rule E3.2 because it includes a reference to Ethnic Origin. This refers to the comment(s) “*that Paki got bare gassed to me*” or similar, regarding a Willoughby Arms FC player.

5. The relevant section of FA Rule E3.1 states: <sup>1</sup>

*“E3.1 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”.*

*“E3.2 A breach of Rule E3.1 is an ‘Aggravated breach’ where it includes a reference, whether express or implied, to any one or more of the following: - Ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability”.*

6. Surrey FA included with the charge letter the evidence that it intended to rely on in this case.
7. Taylor Cottee was required to respond to the charge by 7<sup>th</sup> February 2023.

### **The Reply**

8. The Club replied on behalf of Taylor Cottee, on 6<sup>th</sup> February 2023 via Whole Game System. The charge was “*Accepted*” and a “*Correspondence Hearing*” was requested.

### **The Commission**

9. The Football Association (“The FA”) appointed me, Ian R. Stephenson, as a Chair Person Member of the Football Association National Serious Case Panel, to this Discipline Commission, as the Chair Person Sitting Alone to adjudicate in this case.

### **The Hearing & Evidence**

10. I adjudicated this case on 17<sup>th</sup> February 2023 as a Correspondence Hearing (“the Hearing”).
11. I had received and read the bundle of documents prior to the Hearing.
12. The following is a summary of the principal submissions provided to me. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point, or submission, should not imply that I did not take such point, or submission, into

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<sup>1</sup> Page 141 of the FA Handbook 2022/2023

consideration when I determined the matter. For the avoidance of doubt, I have carefully considered all of the evidence and materials furnished with regard to this case.

13. The following evidence was provided in the case bundle:
14. An investigation report compiled by Zack Hilliard-Winyard of Surrey FA, dated 16<sup>th</sup> January 2023. The report contains evidential references to the available evidence in the case.

**Evidence submitted by The Willoughby Arms FC**

15. An email report from Bill Howe, dated 14<sup>th</sup> November 2022 at 13:49. Mr Howe is an Official of Willoughby Arms FC. He stated, and I quote the relevant text:

*“Unfortunately, this is an email I wish I wasn’t having to write.*

*Yesterday after our game Vs Reigate Road Rangers one of our players received a text message describing another one of our players in a racist term.*

*We have reported this to the management of the other club and are satisfied that they have dealt with this internally with their player. However our player on the receiving end of this would still like this reported so the FA are aware.*

*I would also like to point out that the actions of one player by no means represent that of the rest of the club. Reigate Road Rangers have been very supportive and were a genuinely great team to play against. We appreciate their assistance and ask that no action, if any at all deemed appropriate, be taken against the club as a whole.*

*After the game one of our players, Andrew, who was not part of our line up on the day, was speaking with a RRR player named Taylor who I believe to be his friend. Taylor referred to another one of our players, Hossein, as ‘that paki’ Andrew then sent a screenshot of this to Hossein who immediately called me to report it. Hossein is understandably quite upset about this.*

*I have attached an image of the screenshot. Taylor did then call Andrew to apologise and asked him to pass and apology on to Hossein saying that he didn’t mean this as racist and just descriptive. As you can see this happened away from the game and via a 3rd party not involved in the game.*

*Hossein feels that this term can only be used in a racially motivated way and there are plenty of other ways to describe him. [ ]”*

16. A social media snapshot image with a recorded time of 13:46, undated, which contained the following text which I quote:

*“Taylor Cottee typing..... ’That Paki got bare gassed to me”.*

17. Email communication between The Willoughby Arms FC and Mr Hilliard-Winyard at Surrey FC.

18. Social media snapshot images relating to the investigation which does not refer to this charge.

19. A joint Witness Statement from Bill Howe, Charlie Howe, and Asaad Naciri. This joint statement relates to Participants that are the subject of separate charges.

20. Email exchanges between Mr Hilliard-Winyard and Andrew Harradine. These exchanges relate to the investigation which does not relate to this charge.

21. A Witness Statement from Andrew Harradine, a player of the Willoughby Arms FC, dated 15/01/2023. I quote the following relevant text:

*“I had received a WhatsApp message from Taylor cottee on Sunday 13 of November 2022 which had a racial remark towards hossein (that paki got gassed to me). I then replied to his message with reassurance that what happened on the pitch wasn’t personal and that he does it to everyone.*

*My second message (the paki hasn’t told me what he’s gunna do yet) is way out of context as it wasn’t directed at anybody involved in the football and because of the screenshot of my message there isn’t anymore context of the whole conversation because this happen two months I can’t really remember what exactly was said in the conversion leading up to the message I sent”.*

### **Evidence in defence of the charge**

22. A Witness Statement from Taylor Cottee, the Participant, dated 20/11/2022. Mr Cottee confirmed that he was a player of Reigate Road Rangers in the match. He stated and I quote the relevant text:

*“Myself and Andrew were talking about the upcoming match a few days prior to the game. Andrew said one of his players was decent, when I asked which one Andrew said it was ‘the paki at the back’, and said this is a nickname his team have for him. At the time I didn’t think anything of it and thought this was a club nickname for him. All of this happened over snapchat.*

*After the game happened, I spoke with Andrew about the match and said I had some footballing banter with the player and we were both winding each other up on the pitch with comments. At one stage I put the ball through his legs and said ‘see you’ as I went past him. It was that moment I was referring to in my message to Andrew saying the player got very excited by it and said do you know who I am and things like I will crunch you next time. Standard footballing banter with no harm in it.*

*When I sent the message to Andrew I wasn’t thinking about the language I used and used the term previously used by Andrew to describe the player in question and I meant no offence by it. I was under the impression it was a nickname for the player. Andrew then screenshot the chat and sent it around to his team, which made its way to the player in question.*

*My manager rung me saying the player had taken offence at a private message and asked for my side of the story. I immediately messaged Andrew asking him to apologise to the player and try to explain that I didn’t mean it in a horrible way or to cause offence, I was using a term that I acknowledge was wrong but thought at the time it was something his team called him and that I felt really bad and wanted to apologise to him if he would allow me to have his phone number to say sorry. It was then it came out that Andrew had been using the term to me in messages.*

*It was not my intention to be rude or offensive. Last season we have two instances with a player of our own racially abused on the pitch where we chose to walk off the pitch, with me supporting the player off the pitch. Having witnessed first-hand how it impacts players I didn’t mean to intentionally cause offence or harm. I have learnt from this experience to challenge any names that could be deemed offensive, even if they are supposedly team nicknames as there are other ways to describe a player”.*

Mr Cottee confirmed that the comments were made on snapchat before the game and on WhatsApp after the game. He stated that he reported the matter to his manager.

23. A Witness Statement from Jake Harrison dated 21/11/2022. Mr Harrison is a Club Official of Reigate Road Rangers. Mr Harrison stated, and I quote the relevant text:

*“After the match I received a whatsapp message from Bill Howe at Willoughby arms stating that a player of his (Hossein) had received a screenshot that was forwarded to him where a Reigate Road Rangers (RRR) player (Taylor Cottee) was talking to his friend, and Willoughby arms player, Andrew Harradine.*

*I, at the time, was not provided with the screenshot and so immediately rung Taylor to understand what had happened and asked him to screenshot the conversation for me so I could assist Bill where needed and wanted to make sure no messages were deleted from any individuals involved.*

*Having spoken to Taylor, he informed me that him and Andrew were speaking prior to the match about the upcoming game. Taylor plays as a forward and Andrew told him they have a good defender who will pocket him etc, standard football terms and banter. Taylor asked who this was and Andrews response was we call him ‘the paki at the back’, they then proceeded to discuss other football and non-football related events. This conversation took place over snapchat where messages delete after you read them. I have not seen any of these messages but feel it important for all my conversations with Taylor on this to be noted down.*

*Andrew didn’t play in the match so after the game him and Taylor were messaging via whatsapp. Taylor was describing various events of the game, he came to the point where he tackled a Willoughby Arms player and then proceeded to nutmeg Hossein and said as he went past he said ‘see ya’. Taylor then said ‘that paki got bare gassed to me’ and ‘said you don’t know who I am’ in response to this event saying they had some banter got on with the game. Taylor chose a poor choice of words to describe Hossein, having used language that Andrew had previously used in conversation prior, he did not think when using this language and having managed Taylor for approximately 4 years now, I believe Taylor when he says there was no malice in it.*

*After the discussion with Taylor I told him to send no more messages to Andrew or to anyone while I speak with Bill and we work on getting to the bottom of the situation. Taylor then messaged me asking if I thought I would be okay if he messaged Andrew asking him to apologise*

*to Hossein for any offence accidentally caused. I agreed it was a good idea and Taylor messaged Andrew this. At the same time I was speaking with Bill who was in contact with Hossein and informed Bill that Taylor would like to apologise to Hossein directly, he was using a term that he thought was a team nickname through his conversations with Andrew and meant only to describe who he was using the language previously used by Andrew, having been told this was a team nickname for Hossein.*

*It was the next day that Andrew messaged Taylor in response to his message saying ‘the paki hasn’t told me what he’s gonna do yet’. This message I then reported to Bill at Willoughby arms having previously mentioned Taylor saying Andrew had been using this language.*

*As a Club we have disciplined Taylor internally in line with our policies. In responding to Taylor on this we considered his responses last season to incidents we had towards one of our players, his immediate remorse in this incident, acknowledgement of the inappropriate language used and attempt to apologise wholeheartedly and unprompted in our disciplinary. Taylor and the team have been reminded to watch what they say both in person and online. Should the FA have any training material on this the club could use, we would like to use this unfortunate incident as a training opportunity for Taylor and any of our players who may wish to also do this”.*

24. Various emails between Surrey FA and Reigate Road Rangers relating to alleged misconduct and statements.

25. A Witness Statement from Andrew Harradine dated 15<sup>th</sup> January 2023. I quote the relevant text:

*“I had received a WhatsApp message from Taylor cottee on Sunday 13 of November 2022 which had a racial remark towards hossein (that paki got gassed to me). I then replied to his message with reassurance that what happened on the pitch wasn’t personal and that he does it to everyone. [ ]”.*

26. That concludes all of the evidence that was provided to the Commission.

### **Standard of Proof**



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

### **The Findings & Decision**

28. The Commission reminded itself that the burden of proving a charge falls upon the County FA, in this case it falls upon the Surrey FA.
29. In a Commission such as this, the assessment of the evidence is entirely a matter for the Commission. I have to assess the credibility of the witness, that is whether the witness is attempting to tell the truth, and the reliability of the witness, that is whether, even though a witness may be attempting to tell the truth, their evidence might not be relied upon.
30. Where there are discrepancies between witnesses, it is for the Commission to accept which witnesses to accept and which to reject. Even where there are discrepancies between witnesses or within a witness's own evidence, it is for the Commission to assess if the discrepancy is important. Having considered which evidence to accept and which to reject, the Commission then has to decide if, on the balance of probabilities, the alleged breach of the FA Rules is established.<sup>2</sup>
31. It should be noted that where direct speech is quoted in a Witness Statement, I have recorded it exactly in the wording and grammar in which it appears in the witness statement, without making any grammatical or typing alterations to obvious typo errors.
32. In summary;
33. It is alleged that Taylor Cottee used abusive language which was aggravated by reference to a protected characteristic, namely a reference to Ethnic Origin.
34. It is specifically alleged that Taylor Cottee made the comment(s) "*that paki got bare gassed to me*", or similar, the comment(s) being made by the Participant via the WhatsApp social media platform with a Willoughby Arms player.
35. The Participant accepted the charge.

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<sup>2</sup> Paragraph 4

36. The matter was reported to Surrey FA by Willoughby Arms FC on 14<sup>th</sup> November 2022. It was reported by Bill Howe.
37. Mr Howe reported that after the match between Willoughby Arms FC and Reigate Road Rangers, on 13<sup>th</sup> November 2022, one of the Willoughby Arms FC players received a text message describing another Willoughby Arms player by reference to a racist term.
38. Specifically, Mr Howe alleged that after the game one of the Willoughby Arms FC players, called Andrew Harradine, was speaking with a Reigate Road Rangers player, the Participant, whom Mr Howe believed to be Andrew's friend, and that the Participant referred to a Willoughby Arms player, called Hossein, as "*that paki*".
39. Mr Howe stated that Andrew Harradine then sent a screenshot of this to Hossein (a Willoughby Arms FC player) who immediately called Mr Howe to report it, as Hossein was upset by what he had seen.
40. Mr Howe produced a copy of a screenshot. He stated that the participant then called Andrew (Harradine) to apologise and asked him to pass an apology onto Hossein saying that "*he didn't mean this as racist just descriptive*".
41. Mr Howe also produced another screenshot of a WhatsApp message sent by the player Andrew Harradine to the participant.
42. The screenshot produced by Mr Howe shows the account name of "*Taylor Cottee*" timed at 13:46 with the text narrative "*That Paki got bare gassed to me*".
43. Andrew Harradine made a Witness Statement, dated 15<sup>th</sup> January 2023, in which he stated that he had received a WhatsApp message from Taylor Cottee on Sunday 13<sup>th</sup> November 2022 "*which had a racial remark towards Hossein ('that paki got gassed to me')*".
44. The Participant made a Witness Statement dated 20<sup>th</sup> November 2022, in which he stated that leading up to the game on he was talking to Andrew Harradine who told him that one of his players (Willoughby Arms FC player) was decent and when he enquired who the player was Andrew said it was "*the paki at the back*". The Participant stated that at the time he didn't think anything of it and thought that this was a club nickname for the player. He stated that "*all of this happened over snapchat*".

45. Following the match between the Willoughby Arms FC and Reigate Road Rangers on 13<sup>th</sup> November 2022 the Participant engaged in social media text messaging with Andrew Harradine in what he described as “*football banter*”. The Participant stated that he believed the messaging to be private and that at the time “*he wasn’t thinking about the language he had used and he used the term previously used by Andrew to describe the player in question and he meant no offence by it*”. He further stated that he was under the impression that it was a nickname for the player.
46. The Participant stated that he then received a call from his manager informing him that the player had taken offence at a private message. He stated that he immediately messaged Andrew and asked him to apologise to the player and to try to explain that he had not meant to cause offence.
47. The Participant acknowledged that the term was “*wrong*” but it was not his intention to be rude or offensive.
48. Jake Harrison is a Reigate Road Rangers Club Official, holding the positions of Secretary/Manager. He provided a Witness Statement, dated 21<sup>st</sup> November 2022. Mr Harrison stated that after the match between Willoughby Arms FC and Reigate Rangers on 13<sup>th</sup> November 2022 he received a WhatsApp message from Bill Howe at Willoughby Arms FC stating that a player of Willoughby Arms (Hossein) had received a screenshot that was forwarded to him where the Participant was talking to his friend Andrew Harradine.
49. Mr Harrison stated that the messages were describing various events of the game and in one such comment the Participant had said “*that paki got bare gassed to me*”. Mr Harrison referred to that comment as “*a poor choice of words*”. Mr Harrison further stated that having managed Taylor for approximately 4 years he believed Taylor when he said there was no malice in it.
50. Mr Harrison stated that the Participant had been disciplined by the Club in line with their policies confirming that the Participant had shown remorse and had apologised for the incident.
51. The term “*Paki*” is clearly abusive and offensive to the Asian Community. The comment is clearly improper and contains a reference to Ethnic origin.
52. With the Participant having accepted the charge the Commission was not required to determine liability in this matter. Both the E3.1 and E3.2 charges were PROVEN.

### **Previous Disciplinary Record**

53. After finding the charge proven the Commission sought the Participant's offence history during the previous five-year period. The Commission noted that the Participant had no previous findings of misconduct recorded against him during the previous five years, therefore he had a clean record. The Commission will allow credit for the clean record.

### **Mitigation**

54. The Commission noted that the Participant had accepted the charge and had pleaded "*Guilty*" to it. The Commission found mitigation in this case, namely:

55. The Participant was in reasonable expectation to believe that the social media text conversation with his friend was a private text conversation and was not meant to get into either the public domain, or be shared with a group that would result in private messages coming into the domain of the subject referred to in the conversation.

56. The Commission noted from the evidence produced by the Participant that the comment was not meant to cause offence or upset, it was a comment said in the belief that the term was actually the Club nickname for the player.

57. The Participant has shown genuine remorse and offered an apology for his actions.

58. The Participant has been disciplined by his Club in respect of his behaviour on this occasion.

### **The Sanction**

59. The Commission reminded itself that the sanction Guideline for an aggravated breach of FA Rule E3 is a suspension of 6-12 matches, 6 matches is the standard minimum. <sup>3</sup>A Participant found to have committed an aggravated breach will be subject to an education programme. <sup>4</sup>

60. For charges relating to an offence made in writing only or via a communication device (including social media), the Commission will not be bound by the six match minimum, but can only go below if specific exceptions apply. The minimum in these cases will be a three-match suspension. <sup>5</sup>

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<sup>3</sup> Page 177 of the FA Handbook 2022/2023

<sup>4</sup> Page 177 of the FA Handbook 2022/2023

<sup>5</sup> Page 177 of the FA Handbook 2022/2023

61. In determining the appropriate sanction, the Commission awarded credit for the Club entering a “*guilty plea*” and allowed credit for a clean record over the last five years. The Commission also considered that the Participant was engaging in a private text messaging conversation with a friend and the remarks that he made were not meant to be offensive. He believed, at the time of making the offensive remark, that he was referring to an opposition player by his Club nickname and did not expect the conversation to be shared with any other player or person and did not mean any offence by the references that he made in the conversation.
62. The Commission concluded that it was able to consider that the minimum sanction exceptions applied in this case and determined the following sanctions as the appropriate sanction:
63. Taylor Cottee is to serve a 3 match suspension from all football.
64. A £30.00 (Thirty pound) fine is imposed against Taylor Cottee.
65. Taylor Cottee must attend an online Education programme. This must be undertaken before the match-based suspension is served. Failure to comply with this order will result in a Sine-Die suspension being issued against the Participant until he has fulfilled this order in its entirety.
66. 7 Club points awarded.
67. The sanction is formally imposed.
68. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed: *Ian R. Stephenson*

FA National Serious Case Panel Chair

17<sup>th</sup> February 2023.