

NON-PERSONAL HEARING

THE FOOTBALL ASSOCIATION

and

ASTON VILLA FC

THE DECISION AND REASONS
OF THE FA REGULATORY COMMISSION

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Introduction

1. On 07 March 2015, Aston Villa FC (“Aston Villa”, the “Club”) played their FA Cup Quarter-Final tie home fixture against West Bromwich Albion FC (“West Bromwich Albion”) at Villa Park with a kick-off time of 5.30pm – (collectively the “match”).
2. The appointed Match Referee was Mr Anthony Taylor and the Match Assessor was Mr Kelvin Morton.
3. The match was televised live on BBC One and there were several incidents of crowd disturbance reported by the Match Referee and the Match Assessor.
4. The FA also received a couple of complaints from the West Bromwich Albion supporters who attended the match.
5. During the investigations, there were numerous communications between The Football Association (“The FA”), Aston Villa and West Bromwich Albion.

The Charge

6. On 15 April 2015, The FA charged Aston Villa with misconduct for a breach of FA Rule E20 (the “Charge”).
7. The FA alleged that Aston Villa failed to ensure that no spectators or unauthorised persons were permitted to encroach onto the pitch area whilst attending the match.
8. The FA Rule E20 (p. 119 of the FA Handbook Season 2014-2015) states:

“Each Affiliated Association, Competition and Club shall be responsible for ensuring:

- (a) *that its directors, players, officials, employees, servants, representatives, spectator, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to*

any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; and

(b) that no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles, or other potentially harmful or dangerous objects at or on to the pitch.”

9. The FA advised the Club that (we quote):

“Without prejudice or limitation, in so far as the Club may call upon the defence set out at Rule E21, The Association will say that the Club failed to discharge its duty in respect of due diligence in that, having identified a risk of pitch incursion, the Club failed:

- (a) to put in place an appropriate strategy to prevent or deter pitch incursion;
- (b) to provide a sufficient number of stewards to prevent or deter a pitch incursion;
- (c) to detain or eject perpetrators of the incursions occurring in the 50th, 85th or 94th minutes of the fixture in order to deter further incursions;
- (d) to react appropriately to the incursions occurring in the 50th, 85th or 94th minutes of the fixture by redistributing stewards so as to prevent or deter further incursions;
- (e) to protect players and/or match officials from the risk of harm in the event of a pitch incursion; and/or
- (f) to task stewards to provide protection to players and/or match officials during the anticipated incursions.”

10. The FA Rule E21 (p. 119 of the FA Handbook Season 2014-2015) states:

“Any affiliated Association, Competition or Club which fails effectively to discharge its said responsibility in any respect whatsoever shall be guilty of Misconduct. It shall be a

defence in respect of charges against a Club for Misconduct by spectators and all persons purporting to be supporters or followers of the Club, if it can show that all events, incidents or occurrences complained of were the result of circumstances over which it had no control, or for reasons of crowd safety, and that its responsible officers or agents had used all due diligence to ensure that its said responsibility was discharged.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.”

11. The FA enclosed, the following evidence that it intended to rely on:
 - 11.1. Report of the Match Referee, Mr A. Taylor, dated 07 March 2015;
 - 11.2. Report of the Match Assessor, Mr K. Morton, dated 08 March 2015;
 - 11.3. Letter from Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, to Miss S. Barnhurst, Club Secretary of Aston Villa, dated 09 March 2015;
 - 11.4. Letter from Mr J. Handley, Head of Security and Operations of Aston Villa, to Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, undated;
 - 11.5. Letter from Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, to Miss V. Gomm, Club Secretary of West Bromwich Albion, date 09 March 2015;
 - 11.6. Letter from Mr R. Garlick, Director of Football Administration of West Bromwich Albion, dated 13 March 2015 attaching:
 - 11.6.1. DCMS Guide for Safety at Sports Grounds;
 - 11.6.2. EMail correspondence between Aston Villa and West Bromwich Albion regarding ticket allocations;

- 11.6.3. 2 letters to banned individuals, dated 06 March 2015 (following from the incidents at the Premier League fixture of 03 March);
 - 11.6.4. Witness Statement of Mr B. Myhill (West Bromwich Albion Goalkeeper), dated 07 March 2015 including exhibits;
 - 11.7. EMail of complaint from ‘Mr G.F.’ [anonymised] to The FA, dated 09 March 2015;
 - 11.8. EMail of complaint from ‘Ms C.J.’ [anonymised] to The FA, dated 07 – 11 March 2015;
 - 11.9. Match Report of Mr R. Jones, FA Crowd Control Advisor, dated 08 March 2015;
 - 11.10. Photographs of the incidents;
 - 11.11. Video clips of the incidents; and
 - 11.12. Report of Mr R. Hebberd, FA Crowd Control Advisor, dated 13 April 2015.
12. The Club was required to reply to the Charge by 23 April 2015.

The Reply

- 13. On 24 April 2015, the Club responded to The FA by EMail on a preliminary basis and admitted to some allegations in the Charge; namely the allegations (b), (c) and (e); whilst denying the allegations (a), (d) and (f) – please see para 9 and its sub paragraphs for the allegations referred to.
- 14. There were subsequent communications between the Club and The FA, which were included in the bundle of papers submitted to the Commission.
- 15. On 05 May 2015, the Club admitted to the Charge in full and requested the Charge to be dealt with at a Paper Hearing on the content of the documents served upon the Club and any documentation the Club supplied to The FA (“the Reply”).

16. The Club included the following documents with their Reply:
 - 16.1. Statement from Mr J. Handley, Head of Security and Operations of Aston Villa;
 - 16.2. Statement from Mr P. Owens, Deputy Safety Manager of Aston Villa;
 - 16.3. EMail communications with The FA after pitch incursion incident at Aston Villa vs. Blackburn Rovers FC on 21 January 2010; and
 - 16.4. A letter from Metropolitan Police Commander Colin Morgan with reference to the good behaviour of Aston Villa supporters at FA Cup Semi-Final at Wembley on 19 April 2015.
17. There were subsequent EMail communications between the Club and The FA with observations in response to some of the comments contained in Mr J. Handley’s statement, which was also included in the bundle of papers for the Commission.

The Regulatory Commission

18. The following members were appointed to the Regulatory Commission (“the Commission”, “We/us”) to hear this case:
 - Mr Thura KT Win, JP (Chairman);
 - Mr Peter Fletcher; and
 - Mr Alan Hardy.Mr Robert Marsh, The FA Judicial Services Manager, acted as Secretary to the Commission.

The Hearing

19. We convened at 3.30pm on 13 April 2015 by videoconference for this Non-Personal / Paper Hearing (the “Hearing”).
20. We had read the bundle of papers prior to the Hearing.

21. As the Club had fully admitted to the Charge, on all allegations contained therein, we sought the Club's previous record.
22. Mr Marsh informed us that Aston Villa has no relevant previous record of this nature involving spectators.
23. The Match Referee and the Match Assessor reported the incidents. The FA also received two complaints from the West Bromwich Albion supporters.
24. Mr Anthony Taylor, the Match Referee, reported that (we quote):
"Several incidents of crowd disturbance to be investigated.
50 min – small pitch incursion by home fans after scoring of goal
51 min – smoke bomb in the section of home fans
85 min – small pitch incursion by home fans [after] scoring of goal
87 min – chief steward hit by coin thrown from section of away fans
94 min – substantial pitch incursion by home fans approx 90 secs long
[E]nd of match – further substantial pitch incursion"
25. Mr Kelvin Morton, the Match Assessor, reported that (we quote):
"There were a number of incidents involving crowd misbehaviour and pitch incursions which I list below:
51st minute a small number of spectators entered the field of play after the scoring of the opening goal (to the home team). This was at the end occupied by Aston Villa spectators and they entered the field of play from where the goal was scored.
51st minute a smoke bomb was set off amongst the Aston Villa supporters (the West Bromwich Albion supporters were local in the tier above them).
In the 85th minute several supporters entered the field of play after the scoring of the home team's second goal. The pitch incursion was at both ends of the field of play.
Whilst I did not witness this situation I was advised by the match officials that around

87th minute a coin was thrown from the end occupied by the Away team supporters (behind assistant Cann) and struck a senior steward on the head. He was taken to hospital.

After 90+4 mins there was a pitch invasion as it appeared as though the Home supporters had assumed that the final whistle had sounded. My notes show that the referee stopped play 3 minutes 40 seconds into stoppage time and restarted play after 5 minutes and 14 seconds.

Immediately the final whistle as sounded thousands of spectators entered the field of play which presented a danger to the match officials and players. Fortunately the match officials managed to reach the dressing rooms without sustaining injuries. I was advised that seats had been removed and thrown but I did not witness."

26. The FA received an EMail complaint from 'Mr G.F.', a disabled West Bromwich Albion supporter, who alleged that several hundred Aston Villa supporters were intimidating and goading the West Bromwich Albion supporters in the lower Doug Ellis Stand, whilst throwing coins at disabled supporters. He stated that he is willing to give evidence, if required.
27. The FA received an EMail complaint from 'Ms C.J.', a West Bromwich Albion supporter, who alleged that this was the worst football match she has attended. She described the Aston Villa supporters and the stadium staff as disgraceful. She felt threatened and intimidated and feared for her own safety and that of her family.
28. The match was shown live on BBC. In that respect a number of the incidents mentioned were broadcast live.
29. We viewed the various video clips provided as evidence multiple times.
30. We received a comprehensive report from Mr Richard Hebberd, FA Crowd Control Advisor. Mr Hebberd is knowledgeable in this field and his duties include visiting matches in the UK and abroad and reporting on the safety and security arrangements at those matches.

31. Mr Heberd had examined the circumstances surrounding the reported incidents at this match, reviewed the representations from parties and investigated whether there had been any misconduct in breach of FA Rule E20.

Mr Heberd's observations and analysis

32. The extracts of Mr Heberd's report were as follow:

Stadium configuration

33. Mr Heberd is not personally familiar with the layout of Villa Park but he had access to various plans and drawings showing the layout of the stadium and had viewed a considerable amount of TV footage. For the purpose of his report he used the plan from the Club's ticketing website.
34. For this match, the Away supporters were accommodated in the Doug Ellis Stand lower and upper tiers (shown as a shaded area on the plan) and also in Block T of the Upper North Stand. All other areas were available to Home supporters. This being a FA Cup match, the visitors were entitled to a 15% allocation and, hence, the larger than normal Away end.



35. The capacity of the stadium is 42,783 and the attendance on the day was [39,592] – whilst Mr Hebbard’s report stated 35,592, the report from Mr Jones, Aston Villa’s website and other sources had recorded the attendance as 39,592 – of which 6,390 were the West Bromwich Albion supporters, out of an Away allocation of 6,500.

Aston Villa’s observations

36. The FA sent a letter to Aston Villa enclosing the reports from the Referee and the Assessor and asking for comments.
37. A reply was received on behalf of Aston Villa from Mr John Handley, the Head of Security and Safety Operations. In the reply, Mr Handley outlined the nature of the match and highlighted that the two clubs had met in the Premier League four days previously on 03 March 2015. He identified *“additional interest and risk because of the proximity of the Premier League match and ... Saturday evening kick-off. An attendance in the region of 40,000 was anticipated and achieved as was a maximum away attendance of 6,600.”* West Midlands Police categorised the match as a Category C (Increased Risk). 100 officers were to be deployed within the stadium throughout the match with other officers outside the stadium.
38. Mr Handley described the stewarding arrangements as the *“normal Aston Villa stewarding team augmented by 20 contract stewards to assist in dealing with the increased number of away fans, 258 stewards were available within the stadium.”* The Safety Certificate for Aston Villa states that 207 stewards are required if all stands are open.
39. Mr Handley stated that planning for the match identified the need for steps *“to maintain the sterility of the pitch from incursion from both home and away fans in the event of a win for either side.”* Should this happen, Mr Handley recognised that it was *“of paramount importance to ensure that rival fans do not mix on that area as the potential for violence is clear and apparent.”*
40. Planning meetings between the Club and West Midlands Police decided on the staffing and positioning of pitch side cordons in front of the lower Away fan

allocation. Mr Handley stated that *“these measures were totally successful and no away fan entered upon the playing area at any time. I am confident that this would have still been the case had West Bromwich Albion won the match.”*

41. Mr Handley decided on a different approach to a pitch incursion by the Home fans and described his reasoning thus: *“The possible conduct of the home fans in the event of a home victory merited a different approach and one which was influenced by the experience of the Carling Cup second leg semi-final match against Blackburn Rovers at Villa Park in 2010. This match was won by Aston Villa and a Wembley final awaited; as the final whistle sounded, thousands of home supporters invaded the playing area from all four stands and persistently celebrated in a non-threatening fashion. They were encouraged through exits, including the pitch vehicle access gates by a line of stewards moving slowly from the North end of the stadium. The process was not resented and exchanges between spectators and stewards were friendly. I know that you will be aware of correspondence between us on this subject. It seemed reasonable to assume that the pitch invasion would be replicated should Aston Villa again be the victors in the FA Cup fixture so stewards were redeployed from other areas of the stadium to assemble in front of the North Stand so a line could be formed to clear the pitch. The major consideration in adopting this approach was the acknowledgement that no deployment of stewards will prevent a pitch invasion by thousands of peoples, and that any such attempt would only lead to conflict between peaceable supporters and stewards. “*
42. Dealing with the individual incidents, Mr Handley said of the pitch incursion after the first goal that 10-15 fans came onto the pitch in front of the Holte End and Doug Ellis Stands. *“They were encouraged back to their seats by stewards. Their detention or identification was not a realistic proposition as police resources were not in this area.”*
43. Of the smoke bomb incident, two devices emitting red smoke were ignited at the front of block R1 of the lower North Stand close to the Away fans. These were dealt with by stewards.

44. Of the second pitch invasion after the second goal, Mr Handley said, *“the circumstances, location and outcome were almost identical to the 50 min pitch incursion.”*
45. Of the incident where a steward was injured by a thrown coin, he said, *“This steward was pitch side in front of the North Stand deploying stewards. His head was cut and he was treated in the first aid room. He was not able to resume his duties until all spectators had left the stadium.”*
46. Of the 94th minute pitch invasion, Mr Handley described how this *“was primarily from the corners of the Holte Stand and involved about 70 home spectators.”* *“No routine deployment of stewards could have prevented this incursion and there were no fewer stewards in front of the Holte Stand than was normal, their numbers had not been reduced. I do not recall any similar incident at Villa Park during the past 11 seasons, there were no indications that this might happen and whilst certainly condemning the actions it does seem that those involved thought that they were the leaders of a post-match celebration.”*
47. At the end of the match the pitch invasion *“involved several thousand spectators invading the pitch from the lower areas of all four stands; many of them enthusiastically congratulated our players. No player of either team or any match official was assaulted. The line of stewards previously described encouraged the crowd towards the exits and 16 minutes after the end of the match the pitch was clear, there were no incidents of damage and disorder and no contact with any away fans. The police were not involved in clearing the pitch.”*
48. Mr Handley repeated that he did not believe that stopping thousands of people entering the field was possible. His *“primary concern was and remains that any mass deployment of stewards and police along the four sides of the pitch would not have been guaranteed to prevent a mass incursion and would inevitably have led to distasteful confrontations between celebrating fans and those keeping them away from the pitch. In summary, the contemplated control measures had genuine potential to worsen the situation they were designed to address.”* He did not wish to give the

impression that *“any incursion on to the playing area is in any way acceptable to this football club, this is emphatically not the case.”*

49. Mr Handley also supplied copies of the match day steward briefing document and pre-match risk assessment.

West Bromwich Albion’s observations

50. The FA sent a letter to West Bromwich Albion enclosing the reports from the Referee and the Assessor and asking for comments.
51. A reply was received on behalf of West Bromwich Albion from Mr Richard Garlick, the club’s Director of Football Administration. In the reply, Mr Garlick pointed to paragraph 1.4 of the Guide to Safety at Sports Grounds (safetyatsportsgrounds.org.uk/publication/greenguide), which states that responsibility for spectators, lies with the ground management. In this case Aston Villa.
52. Mr Garlick outlined the ticketing discussions and highlighted that West Bromwich Albion was not involved in discussions with West Midlands Police over the organisation of the match.
53. He also outlined the perceived behaviour of West Bromwich Albion Away fans over recent away fixtures and action taken when fans have misbehaved. In light of this, West Bromwich Albion *“did not detect any signs of potential trouble.”*
54. Since the match, West Bromwich Albion had worked with Aston Villa and West Midlands Police to identify those involved in violence and forwarded copies of social media postings related to the incidents to West Midlands Police. West Bromwich Albion is also prepared to take action regarding the broken seats.

Statement from Mr Boaz Myhill

55. The reply from West Bromwich Albion included a statement from their goalkeeper, Mr Boaz Myhill. He described his professional experience and that

he was playing as goalkeeper for West Bromwich Albion at this match. He described an intense atmosphere, a full ground and a tremendous noise.

56. During the second half, West Bromwich Albion was defending the goal in front of the Holte End, which contained only Home fans. In the 51st minute, Aston Villa scored their first goal. Some Aston Villa fans came onto the pitch, but there were only a few of them and they were in the corner.
57. He described the atmosphere as becoming *“more hostile”*. A West Bromwich Albion player was sent off and he felt that this *“seemed to increase the intimidating atmosphere”*.
58. When Aston Villa scored their second goal more fans came running onto the pitch. He described this as that it *“seemed more organised as if they had planned to come on if they scored”*. He described how one or two stewards together with some of the Aston Villa players were trying to get them off.
59. He was on his knees when he saw fans running past him. One of the fans shouted at him *“how do you feel now, cunt”*. Mr Myhill exhibited photographs showing an individual in a distinctive tee shirt apparently shouting at him and later appearing to aim two finger gestures from a very short distance away. Mr Myhill described how he felt intimidated and his struggles for restraint in the circumstances.
60. Mr Myhill described how as the match went into added time fans were massing at the edge of the pitch. With about 90 seconds to go, the ball went out of play and Aston Villa fans ran onto the pitch. He claimed that the same individual as in the previous incident ran past him again and exhibited a picture of this incident (He said that it *“looks like he is spitting at me but I don’t remember being spat on”*). Mr Myhill walked to the centre circle to be with the officials and other players until the fans left the pitch. They were *“still waiting to run on at the end of the match”*. The picture Mr Myhill produced showed him being confronted by two people, one of whom was standing beside him and appeared to be spitting at Mr Myhill. This seemed to be the same individual mentioned in the earlier incident.

61. At the end of the match, West Bromwich Albion was awarded a free kick near the Aston Villa goal and Mr Myhill moved towards the half way line. At this stage he looked back to see the fans massing behind the goal. He produced a picture of this incident. Immediately afterwards the final whistle was blown and he began to make his way to the tunnel. His team mates told him to run and he did so. He described how *“fans caught up with me and were giving me abuse. I felt quite helpless running back, I could not do anything back to the fans as the repercussions would be huge. I just had to run back through the fans taking the abuse.”* He produced photographs of his journey. One fan followed him to the tunnel where Mr Myhill was assisted into the tunnel by Kevin McDonald (Aston Villa’s Assistant Manager).
62. He finished his statement thus, *“I was not injured other than a few bangs to my forearm where fans had pushed or barged past me. However, I was really shaken by the incident. I have never experienced anything like (it) at a football match in my life”.*

Report from Mr Robert Jones, FA Crowd Control Advisor

63. Mr Robert Jones, a FA Crowd Control Advisor, was at the match on behalf of the FA. His report contained the following information relevant to this investigation:
64. The clubs competed against each other in the Premier League four days before this match and the behaviour of rival fans inside the stadium was ugly – amongst other things, 200 seats were damaged.
65. Spontaneous disorder was a strong possibility at this game and the match had been categorised as 'C' (high risk).
66. About an hour before kick-off there was serious disorder a short distance from the ground in the vicinity of the Witton Arms. A number of supporters had a police escort to the ground and with rival risk fans also in the vicinity of the visitors’ turnstiles, it was necessary to control the situation with officers in Code 1 with truncheons drawn and with police dogs deployed.

67. An allocation of 6,500 tickets had been given to West Bromwich Albion and they were accommodated in the upper and lower levels at the north end of the Doug Ellis Stand (the usual place for visitors) and the upper level of the North Stand (T Block).
68. The supporters were described as being loutish and offensive. In the North Stand upper, seats were damaged and thrown and a refreshments bar was 'trashed'; missiles, mainly coins, were exchanged across the main flashpoint and thrown from the Upper North Stand; and there was persistent standing in both the North and Doug Ellis Stands.
69. 258 stewards were on duty, of which 20 were contracted SIA trained. This total was nearly 25% more than required by the Safety Certificate for a capacity crowd.
70. Mr Jones attended the supervisors' briefing. Particular mention was made about a possible home pitch invasion at full-time – stewards pitch-side were to discourage fans from going on to the pitch but if they were unable to stop them then stewards would re-group in front of the North Stand and sweep the supporters off the pitch. The police would protect the West Bromwich Albion supporters and dissuade any Aston Villa risk from seeking a confrontation.
71. *Pitch incursion – during the game*: When Aston Villa scored their second goal (85 minutes), at the Holte End, the scorer ran on to the tarmac behind the goal to celebrate – a group of supporters in the lower Doug Ellis Stand at that end ran across the corner of the pitch to celebrate with him. Stewards in the vicinity gradually persuaded the fans to return to their Stand.
72. *Pitch incursion – during the game*: There was five minutes of 'time added on' at the end of normal time. Aston Villa was two goals ahead and the Home crowd were very excited about winning, the atmosphere was highly charged and an attempt to invade the pitch was a distinct possibility.
73. After about 93 / 94 minutes, play was at the North Stand end when the Referee blew his whistle, seemingly for an infringement. A group of Home fans in the

Holte End thought that the end of the game had been signalled and they ran on to the pitch to celebrate, some reaching the half-way line. The Referee stopped the game. Home fans in the Holte End booed those on the pitch and there were chants of 'off...off...' – clearly [these] Home supporters were making their displeasure known. Stewards encouraged some of those on the pitch to return to the Holte End and others went back by themselves. These fans stood in the corner of the ground pitch-side and it was obvious that they would attempt to go on to the pitch again at full-time.

74. Mass pitch invasion at the end of the game – The Safety Officer brought all available stewards pitch-side shortly before full-time. (Rightly) resources were concentrated in front of the North Stand where the Home risk and associated hooligans stood and the police cordoned the front of the West Bromwich Albion supporters in the adjacent lower Doug Ellis Stand. Other stewards stood in front of other Stands.
75. When the final whistle was blown, there was a concerted effort by Home supporters to go on to the pitch and even the large number of stewards in front of the North Stand was unable to stop the supporters there. The mood was celebratory, although a fairly large aggressive chanting group approached the lower level of the Doug Ellis Stand where the West Bromwich Albion supporters were – a compact police cordon made any confrontation very unlikely. Players from both teams were caught up in the crowd and some of the Aston Villa players were 'mobbed'.
76. Stewards regrouped in front of the North Stand and then began to gently ease the supporters off the pitch – this was quite impressive.
77. Mr Jones thought it took about 16 minutes to clear this area – from start to finish.
78. Missiles – It was reported that missiles were thrown at the flashpoint in the corner of the lower North / Doug Ellis Stands. Mr Jones saw what looked like a plastic bottle thrown from the Home lower North Stand towards the West

Bromwich Albion fans – it fell short into the police cordon. Missiles, mainly coins, were also thrown from the upper North Stand.

79. *Seats damaged* – Just before full-time, seats in the Away upper North Stand were reported being damaged and thrown. It was told to Mr Jones that they were being propelled like 'Frisbees'. Some parts of seats and their fittings fell below and some fell pitch-side (as opposed to 'on the pitch'). 225 seats have been reported damaged in the Stands – Mr Jones did not have any breakdown as to the location and cause of the damage.
80. *Other damage* – Mr Jones understood that toilets in a Home Stand were 'trashed' – possibly in the Holte End.
81. *Pyrotechnics* – Just after the first goal was scored, two smoke devices were ignited in the Home North Stand lower, near to the flashpoint. Stewards dealt with them promptly.

FA review of footage from BBC

82. Footage had been obtained from the BBC broadcast of the match and Mr Hebbard had examined this material for relevant information to this inquiry.
83. During the second half, Aston Villa was attacking the Holte End. The footage showed a steward positioned pitch-side at the bottom of each aisle in the Holte End and in the mid-level vomitories in the lower Doug Ellis Stand.
84. There were no incidents evident from the TV footage until the first Aston Villa goal in the 51st minute. The player who scored the goal, Delph, went to the corner of the Doug Ellis Stand and the Holte End and was soon joined by other players and almost immediately by some fans from the Stand. Mr Hebbard would estimate the number of fans coming pitch-side to be 15 – 20. Two stewards were in evidence trying to separate the players and fans. There was no apparent attempt to detain or eject any of the fans who had come pitch-side.
85. There was no record on the footage available to Mr Hebbard of the flares allegedly discharged at this time.

86. In the 85th minute, Aston Villa scored a second goal. The player who scored the goal, Sinclair, headed towards the fans in the Holte End and was joined by other players and almost immediately by, in the region of, 50-70 fans who gained access mainly from the corner of the Doug Ellis Stand and the Holte End. There were no stewards in evidence pitch-side of the Doug Ellis Stand despite this being the scene of the earlier incursion. Two stewards and a supervisor from the Holte End could be seen trying to release players from the scrum. Although most of the fans remained pitch-side, at least four went onto the playing area. There was no apparent attempt to detain or eject any of the fans who had come pitch-side.
87. There was no record, on the footage made available to Mr Heberd, of the first incident involving Mr Boaz Myhill and the fan in the penalty area.
88. There were several shots during the ensuing period of fans standing either pitch-side or on the separating wall in both the Holte End and the Doug Ellis Stand. There was no evidence on the footage of any steward activity to moderate this behaviour.
89. In the 94th minute there was a pitch incursion beginning in the Holte End and Doug Ellis Stand but, eventually, including people appearing from all other areas of the stadium. In Mr Heberd's view, the numbers were in the region of 170-200. The majority of the players gather in the centre circle and a number of supporters had access to both Home and Away players. There was no evidence of any stewards going onto the pitch to provide protection for the players and officials. There was no record, on the footage made available to Mr Heberd, of the second incident involving Mr Boaz Myhill and the fan in the penalty area.
90. Following the removal of the supporters from the pitch, there were shots of very many supporters gathering pitch-side with no stewards between them and the pitch.
91. At the final whistle, supporters came on to the playing area from all Stands. Although there was a heavy presence of stewards in front of the North Stand, there was no evidence of any of them doing anything to prevent or delay the

incursion. People entered the playing area from all other Stands unhindered by stewards. There were many shots showing players from both sides caught up in the melee of fans. There was no evidence of any stewards going onto the pitch to protect players and officials.

Additional observations by the FA

92. The FA had also examined the number of stewards available at other matches to compare with those available for this match.
93. Firstly, a comparison had been made with past Aston Villa matches attended by FA Crowd Control Advisors. This demonstrated that there has been a notable decline in the number of stewards employed for matches at Villa Park since 2007. It also showed that with the exception of a League match against West Bromwich Albion in 2009, this was the highest attendance of stewards since 2007.
94. Secondly, a comparison had been made with other matches, primarily Premier League and Cup matches attended by FA Crowd Safety Advisors during the last three months. This demonstrated that the number of stewards employed by Aston Villa was very low when compared with other similar clubs and fixtures. There were a number of matches with attendances in the low 20,000s where many more stewards had been employed and for similar attendances over 100 more stewards were employed by other clubs.

Photographs

95. The FA had made a number of still photographs available depicting various incidents on the day. There were no times attached to these photographs but by reference to other information they showed the following incidents:
 - 95.1. Mr Boaz Myhill being confronted by two people during the 94 minute incursion;
 - 95.2. West Bromwich Albion players being confronted by fans on the pitch; it is not clear when this occurred;

- 95.3. Mr Boaz Myhill running from the pitch at the end of the game surrounded by fans;
- 95.4. Mr Boaz Myhill running from the pitch at the end of the game surrounded by fans;
- 95.5. West Bromwich Albion players leaving the pitch surrounded by fans;
- 95.6. Mr Boaz Myhill being confronted by a fan on the pitch after the second goal;
- 95.7. Mr Boaz Myhill being confronted by the same fan on the pitch after the second goal;
- 95.8. Mr Boaz Myhill looking back at fans gathering behind his goal at the end of the match. No stewards are visible;
- 95.9. Mr Boaz Myhill being confronted by the fan from 95.6 & 95.7 on the pitch after the second goal;
- 95.10. Players waiting for fans to clear the pitch;
- 95.11. A fan running amongst players;
- 95.12. A fan detained by a steward pitch-side;
- 95.13. The police cordon in front of the away section;
- 95.14. Fans and stewards and police on the pitch presumably after the match;
- 95.15. The early stages of an incursion;
- 95.16. Fans on the pitch confronting a line of police;
- 95.17. Fans and stewards on the pitch presumably after the match;
- 95.18. Fans on the pitch confronting a line of police and stewards;
- 95.19. Fans on the pitch confronting a line of police and stewards;
- 95.20. Fans on the pitch confronting a line of police and stewards;
- 95.21. Fans and stewards and police on the pitch presumably after the match;
- 95.22. Fans on the pitch confronting a line of police and stewards;
- 95.23. Fans on the pitch confronting a line of police;

- 95.24. The early stages of an incursion;
- 95.25. Stewards protecting the goal;
- 95.26. Fans and stewards and police on the pitch presumably after the match;
- 95.27. The early stages of an incursion;
- 95.28. Fans on the pitch confronting a line of police;
- 95.29. Fans on the pitch confronting a line of police;
- 95.30. Fans on the pitch confronting a line of police;
- 95.31. Fans on the pitch confronting a line of police;
- 95.32. The pitch incursion after the second goal; and
- 95.33. A fan gesturing.

Steward numbers

- 96. Mr Handley and Mr Jones both of who are familiar with the stadium stated that the minimum number of stewards required by the Safety Certificate is 207. Mr Heberd had not been provided with a copy of the stadium's stewarding plan.
- 97. The Safety Certificate is concerned with the safety of spectators within the stadium and stewarding numbers required are normally judged through risk assessment and in accordance with guidance contained in the 'Guide to Safety at Sports Grounds' (Green Guide) and 'Safety Management' (Red Book).
- 98. The Green Guide (at its paragraph 3.15) identifies that each ground is different but by risk assessment ground management should allow for:
 - Supervisory staff: for example, the deputy safety officer, chief steward(s) and supervisors;
 - Static posts: for example, crowd monitoring points, exits, activity area perimeter gates, escalators and other strategic points or areas;
 - Mobile posts: typically a ratio of one steward per 250 of the anticipated attendance;

- Specialist stewards: for example, for areas used by children or spectators with disabilities; and
- Additional stewards: if needed for deployment in particular circumstances or for particular events.

99. The Green Guide adds that the 1:250 ratio should be increased to up to one per 100 of the anticipated attendance where the risk assessment shows a need for a higher level of safety management, for example at a high profile event or where there are large numbers of children or where there is a likelihood that large numbers of spectators will not comply with safety instructions.

100. The Red Book (at its Appendix 4) follows a similar format. It identifies fixed posts as:

- Final exit doors and gates;
- Top of each radial gangway;
- Foot of each radial gangway where there is a pitchside gate;
- Forward evacuation points onto sports activity area;
- Vomitories;
- Turnstile blocks / points of entry;
- Top of all internal stairways;
- Foot of all internal stairways;
- Pass doors on concourse segregation barriers;
- Access doors to corporate areas;
- Concourse areas;
- Areas of known build-up of crowd densities; and
- Accommodation areas for persons with disabilities.

101. In addition, Safety Management identifies the need for additional mobile stewards at the ratio of 1:250. As does the Green Guide, it states that this ratio

should be increased to up to 1:100 where risk assessment shows the need for a higher level of safety management.

102. The Red Book then discusses the likelihood of a need for specialist stewards such as fire stewards and those managing disability viewing areas.

103. The Football Association's Crowd Management Good Practice Guide includes the following paragraphs:

Mass incursion

Steps that clubs should take to deal with any mass pitch incursion include, but are not limited to, the following:

- If there is intelligence or information regarding, or if during a match there are signs among the crowd that could signal, a potential pitch incursion, stewards should be deployed along the pitch perimeter to reduce the risk. The safety officer and police commander should jointly consider the additional deployment of police officers to assist the stewards.
- Stewards on pitch perimeter duty must do what they can to prevent any incursion.

Special measures for clubs staging high-profile matches

There are a number of special measures that clubs staging high-profile matches (cup ties / play-off games / end-of-season matches etc.) could consider taking. These include, but are not limited to:

- Home club to remind supporters in advance of the game that entering the pitch will not be tolerated.
- Home club to increase the steward resources and to discuss with the police commander the level of police resources required.

Mr Hebberd's conclusions

104. There appeared to have been three different forms of breach of safety and security involving nine separate incidents:
- 104.1. Missiles thrown – from the Home crowd injuring a steward;
 - 104.2. Missiles thrown – from the Home crowd to pitch-side;
 - 104.3. Missiles thrown – from Home fans on the pitch towards West Bromwich Albion fans in the Stands;
 - 104.4. Missiles thrown – broken seats from the Away area;
 - 104.5. Incendiary device used – two devices ignited in the Home end;
 - 104.6. Pitch incursion – on minute 51 following the first goal (from the Holte End and Doug Ellis Stand);
 - 104.7. Pitch incursion – on minute 85 following the second goal (from the Holte End and Doug Ellis Stand);
 - 104.8. Pitch incursion – on minute 94 (from all areas of the ground mainly Holte End and Doug Ellis Stand); and
 - 104.9. Pitch incursion – at the final whistle (from all areas of the ground).
105. Save in relation to 104.4 above, which involved principally the conduct of West Bromwich Albion supporters, Mr Hebberd considered below whether in his opinion Aston Villa had breached FA Rule E20.
106. In relation to the throwing of missiles, Mr Handley and the Referee identified the injury to the steward (paras 24 and 45); Mr Jones identifies the throwing of a bottle pitch-side (para 78) and 'Ms C.J.' identified objects thrown at the West Bromwich Albion fans in her complaint (para 27) and there was circumstantial evidence in that the police on the cordon don protective headgear (photograph 95.28); Mr Jones identified that a number of seats have been broken and were thrown (para 79). There was evidence that a number of objects were thrown by supporters at this match. However, there was little substantive evidence in respect of CCTV footage or direct witness testimony relating to any of these

allegations; West Bromwich Albion had little or no ability to manage the conduct of their supporters in another club's stadium, and Mr Jones's report indicated that Aston Villa appeared to have taken all reasonable precautions to prevent these 'difficult to prevent incidents' by searching at turnstiles. In these particular circumstances therefore, Mr Heberd did not consider that either West Bromwich Albion or Aston Villa should be held accountable under FA Rules in relation to the throwing of missile incidents outlined in paragraph 104, items 104.1 to 104.4 inclusive.

107. In relation to the smoke bomb, this was identified by Mr Handley (para 43), Mr Jones (para 81) and the Referee (para 24). However, Mr Jones's report suggested that Aston Villa appeared to have taken all reasonable precautions by searching to prevent a device being taken into the stadium. In these particular circumstances therefore, Mr Heberd did not consider that Aston Villa should be held liable under FA Rules in relation to this incident.
108. In relation to the pitch incursions, there was no doubt that all of the incursions occurred at the times indicated. The risk of a pitch incursion at the end of the match had been foreseen by Aston Villa and meetings had been held to discuss this risk and others with the police.
109. Clubs have a number of responsibilities on match days including security, safety and service for spectators; the safety of those on the pitch and the safety of their staff. Each of these responsibilities have implications for planning and resources.
110. Mr Handley had identified the additional risks as a capacity crowd; higher than normal Away attendance; evening kick off; disorder at the previous match four days earlier; celebratory pitch incursions by either set of supporters and potential violence in any clashes between supporters.
111. In relation to the plans put in place to deal with these matters, these were to concentrate on confining the West Bromwich Albion supporters to their area in the event of a win by their side or to protect them in the event of a win by Aston Villa. The plans in relation to the Aston Villa supporters were centred on

pitch clearance following a pitch incursion (see para 41). This did not appear to be an appropriate strategy; a planned deployment of extra stewards at the Holte End might have had the impact of preventing or delaying any incursions. Mr Hebberd could not find any evidence of plans being put in place to prevent, discourage or delay an incursion from the Home fans. Nor could he find any evidence in the Club's contingency plans or briefings of any plans to deal with pitch incursions taking place before the end of the match or to detain offenders. Consequently, it did not appear that any stewards had been deployed to deal with the reasonably anticipated end of match pitch invasion in any part of the stadium except the North Stand. Nor did there appear to be sufficient stewards available to deploy for dynamic changes in crowd management at this high risk match as might reasonably have been expected at the Holte End and Doug Ellis Stands following the pitch incursions after the first and second goals.

112. Given that there seemed to be an acceptance in the planning that a pitch incursion would take place, Mr Hebberd found no evidence of any plans or steward deployment to protect players and officials and return them safely to the dressing rooms. This would relate to those on the pitch and, in view of the location of the tunnel related to the benches, those on the players' benches. No stewards appeared to have been allocated for these protection purposes or to provide a sterile area in front of the tunnel.
113. Stewarding resources for the match was set at 258. When compared to other similar matches this appeared a very low number to deal with the Club's responsibilities and the risks identified for this match. The Club had highlighted that the minimum level required by the Safety Certificate is 207 stewards. This is the minimum level to deal with crowd safety and is a matter between the Local Authority and the Club but given the recommended 1:250 ratio for a 40,000 crowd such a number would mean that Aston Villa had only 47 supervisory and fixed posts. No account seemed to have been taken of the recommendation to use a higher ratio for high risk events or of the need for stewards to be deployed for incidents arising in this high risk fixture.

114. It did not appear that Aston Villa followed the advice in the FA Crowd Management Good Practice Guide (paragraph 103) in that, with the exception of the North Stand, no stewards were deployed along the pitch perimeter to reduce the risk of a pitch incursion or further pitch incursion following the first occasion and no effort was made by stewards to prevent an incursion. Although there had been an increase in the number of stewards for this match, it was not sufficient to allow plans to be made that would prevent a pitch incursion.
115. With no pitch perimeter fences in English football stadia, a Home club would have to ring the pitch perimeter with stewards and police officers. Mr Heberd understood that the playing area at Villa Park measures 105 metres by 68 metres. It was known from Mr Jones' match report (paras 63 to 81) that a line of police officers was protecting the front of the northern third of the Doug Ellis Stand where the visiting fans were located; also that Aston Villa did have a substantial pitch side deployment of stewards in front of the North Stand, but little, if any, steward positions in front of the other spectator areas. This would mean that to ring the remaining two and two-thirds sides of the pitch, Aston Villa would have needed to provide protection along the Trinity Road Stand touchline (105 metres), the Holte End goal-line (68 metres) and two thirds of the Doug Ellis Stand touchline (70 metres), although not in front of the technical areas and players' tunnel (possibly around 20 metres), therefore constituting a circumference of some 223 metres requiring additional protection from a mass incursion by Home fans. For stewards to provide a deterrent presence around the pitch it would, using these calculations, have required 1 steward for every metre of the pitch perimeter areas identified above, therefore somewhere in the region of an additional 223 stewards. There appeared to be in the region of 25 stewards left in these areas. Therefore, approximately 200 extra stewards might have been required. Should risk assessments had demonstrated that protection was required mainly behind the two goals, then an extra 70 stewards would have sufficed for the Holte End. These numbers do not appear excessive when compared with other high profile fixtures where steward numbers of over 400 are commonly present.

116. The first incursion occurred in the corner of the Holte End and Doug Ellis Stand when a group of 15-20 fans came onto the pitch to celebrate with the players. Only two stewarding staff were in evidence. Although criminal offences and breaches of the ground regulations had been committed, there was no evidence of any attempt to detain or eject any of those involved. Aston Villa stated this was because there were no police resources in this area. From the evidence Mr Hebbard had seen, there were also insufficient stewards to carry out this task. Rather, fans were encouraged back into the stands. The visible removal of those involved might have had a salutary deterrent effect on anyone contemplating a repeat. However, there were insufficient stewards to do this safely.
117. In the interim period between this incursion and the second incursion there was no evidence of a bolstering of the stewarding numbers in this area although a further incursion might be anticipated in the event of another Aston Villa goal.
118. The second incursion occurred when the second Aston Villa goal was scored. This happened in the same location as the first incursion but with many more fans involved (between 50-70 people). There were no stewards in evidence pitch side in the Doug Ellis Stand from which the majority of those entering the pitch area had come from. Three of the stewarding staff had been involved in trying to resolve this situation. There were no arrests or ejections evident from this. It was at this time that the West Bromwich Albion Goalkeeper, Mr Myhill, was directly confronted by a supporter in the penalty area and was abused and threatened. This individual was not arrested or ejected and no protection was provided to Mr Myhill.
119. In the interim period between this incursion and the third incursion, there was no evidence of the stewarding numbers at the Holte End or in the Doug Ellis Stand being bolstered. In fact, there were many sights of fans standing pitch-side or on the pitch boundary walls in these areas with no steward intervention or presence. Aston Villa indicated that only the normal number of stewards were in the area (para 46). This meant that no extra stewards had been deployed in reaction to the increased risk posed following the previous pitch incursions.

120. The third incursion appeared to take place when Home fans mistakenly believed the final whistle had been blown. The main incursion came from the Holte End but fans appeared from all sides of the ground. There was evidence of one fan being detained by a steward near the tunnel area. It was at this stage that Mr Myhill was again confronted by the same individual as on the previous occasion. Mr Heberd was not aware if this individual was detained or Mr Myhill was protected by stewards. There were very few stewards in evidence to deal with these circumstances. There was no evidence of any stewards going onto the pitch to protect the players and officials.
121. In the interim between this incursion and the one at the end of the match, there was no evidence of stewards being redeployed to the Holte End or Doug Ellis Stands but there was evidence of fans gathering on the touchline without any steward presence or intervention.
122. The fourth incursion occurred at the final whistle. Thousands of fans came onto the pitch. From the North Stand, they accessed the pitch through a cordon of stewards. There was no evidence of any of these stewards attempting to delay the incursion. Players and officials could be seen running from the pitch towards the tunnel surrounded by supporters. The same was true of those on the benches. There was no evidence of the creation of a sterile area at the tunnel entrance or of stewards going onto the pitch to protect and assist players and officials.
123. From the above, Mr Heberd concluded that Aston Villa had failed in their duty to ensure that no spectators or unauthorised people were permitted to encroach onto the pitch area, particularly:
- (a) by failing to react to the heightened risk of repeat incursions during the match;
 - (b) by failing to put in place an appropriate strategy to prevent or at least deter an incursion;
 - (c) by failing to ensure there were sufficient stewards/police available at pitch side to effectively prevent/deter an incursion;

- (d) by failing to deploy an adequate number of stewards to the area;
- (e) by failing to protect players and/or officials from the risks caused by those incursions; and
- (f) by failing to task stewards to provide protection to players and/or officials during the anticipated incursions.

124. That concluded Mr Hebbard's report.

125. We also noted the content of an EMail from The FA, dated 11 May 2015, responding to the points raised by the Club.

The Burden of Proof

126. The applicable stand of proof required for this case is the civil standard of the balance of probability.

Our Findings & Decision

127. We found Mr Hebbard's comprehensive observations, analysis and conclusions to be very helpful. We agreed with his analysis and conclusions.

128. We noted that this match:

128.1. was a local derby between the oldest and keenest rivals, with a place in the FA Cup Semi-Final at Wembley at stake;

128.2. had an additional interest and risk associated with it due to the proximity of the Premier League match between the two clubs during the week when Aston Villa won and disorder had taken place during that match with the behaviour of West Bromwich Albion fans being described as "ugly" then;

128.3. had an increased Away ticket allocation due to being an FA Cup match;

128.4. a near full capacity crowd of 40,000 was expected with around 6,600 Away supporters;

128.5. was scheduled for Saturday evening kick-off and the associated risk of

- opportunities for increased alcohol consumption prior to the match;
- 128.6. West Midlands Police categorised the risk as Category C (IR) – increased risk;
- 128.7. during the planning process for this match, it seemed advisable to consider measures to maintain the sterility of the pitch from incursion from both Home and Away fans;
- 128.8. three planning meetings took place between the Club and West Midlands Police Key Task Commanders on the Thursday and Friday preceding the game; and
- 128.9. the Match Day Safety Stewards briefing document described preventing pitch incursions and managing interactions between rival fans as its objectives.
129. Therefore, it was considered to be a high risk fixture in respect of the potential for crowd misbehaviour/disorder by both the Safety Management team at Aston Villa and West Midlands Police.
130. Given the high risk assessed for the reasons stated above and potential of predicted pitch incursions, as well as the need to manage interactions between rival fans being stated as objectives, we were surprised to see on the Match Day Risk Assessment Form that the likelihood of “Crowd Disorder” was designated as a 2 (where 1 being a remote likelihood, 5 being possible and 6 to 9 being probable and 10 being certain).
131. There was no evidence provided by the Club as to how preventing pitch incursions would be achieved, save for a strategy at the end of the game should the large numbers of Home fans invade the pitch. There appeared to be a general acceptance that a pitch invasion would occur if the Home side were successful in the game.
132. There were also no written instructions that were presented to us on how pitch incursions would be dealt with during the game and as far as we could establish no bodies of stewards were identified to act as a “Response Team”.

133. For this fixture, the normal stewarding operation was augmented by a further 20 contract stewards, their duties were exclusive to dealing with the Away supporters. Given that West Bromwich Albion's allocation for the Premier League fixture four days previously would have been in the region of 3,000 tickets and that for this Cup tie was 6,600 tickets then 20 additional stewards was clearly insufficient given the expectation by the Club that a pitch invasion was likely should there be a Home win.
134. Reviews of the video clips clearly showed Home supporters numbering 15 to 20 pitch-side of the perimeter wall in the 50th minute engaging with the Home players following the first home goal with only two stewards in attendance trying to persuade them to climb back into the seated area. There was no attempt made to detain any of those supporters for encroaching onto the pitch, which is both a criminal offence and a breach of the Ground Regulations.
135. There was no evidence produced to suggest that any preventative measures were then put in place for the remainder of the game in that area and when the second Home goal was scored and another pitch incursion took place in that same area – this time a substantially larger incursion with an estimated 50 to 70 Home fans involved. There was no evidence presented by Aston Villa that there were any additional resources deployed in that area and again from the video clips there were very few stewards in that area and they were overwhelmed by the encroaching fans.
136. It is during this pitch encroachment that the West Bromwich Albion goalkeeper was approached by a Home fan and verbally abused, no action appeared to have been taken at the time to protect that player.
137. We noted that there did not appear to have been any announcements made over the Public Address system following the first pitch incursion, indeed no evidence had been provided that any announcements requesting fans not to encroach on the pitch were made before or during the match. This was surprising given that it was considered to be a real possibility in the planning stage of the safety operation that pitch incursions may occur.

138. There was nothing in the submissions from Aston Villa to indicate that there was any plan to ensure the safety of the players or match officials should there be a pitch invasion, again we were concerned given that it was anticipated that there was a strong likelihood of a pitch invasion should the Home team win the match.
139. Mr Hebbard mentioned the Football Association's Crowd Management Good Practice Guide, which is issued to each club/Safety Officer and is also available on the FA web site. Relevant to this case is Parts 4 and 7 of this Good Practice Guide and we made the following comments:
- 139.1. There was no evidence provided by Aston Villa of any provision in the Club's contingency plan to deal with any individual pitch intruders, incursions by a group of Home or Away supporters to celebrate a goal, and a mass celebratory pitch incursion by Home or Away fans during the game;
- 139.2. There was no evidence presented to indicate that stewards were trained or briefed to act in accordance with the Club's contingency plans in any such scenarios other than the final whistle pitch invasion;
- 139.3. Clubs should ideally have a dedicated and specially trained response personnel, over and above the stewards required for spectator safety under the safety certificate, ready to enter the pitch to deal with any incursion;
- 139.4. Again there was no evidence presented that there were any specially trained personnel/response team(s), over and above the stewards required for spectator safety under the Safety Certificate, ready to enter the pitch to deal with pitch incursions;
- 139.5. We noted that these measures have now been put in place as per the Good Practice Guide for the three remaining home matches at Villa Park. These three matches are considered to be low or medium risk as opposed to the high risk of this match;

- 139.6. In the Safety Officer's response he advised that they would deploy 40 additional stewards to act as "snatch squads" in three of the four corners of the ground for these three fixtures to deter and prevent small scale pitch incursions and to detain or eject perpetrators of pitch incursions should these occur;
- 139.7. With reference to Mass Incursion, there were clear signs amongst the crowd after the first goal that further pitch incursions were likely but there was no evidence of any additional stewards or police being deployed along the perimeter in the vulnerable area;
- 139.8. No evidence produced to suggest that stewards on perimeter pitch duty did what they could to prevent any incursion. From the video clips made available there was a distinct lack of action by the few stewards in the area where the pitch incursions first started, indeed for one of the goals a steward behind the goal jumped up with his arms outstretched in celebration of the goal;
- 139.9. As already mentioned, there was no evidence produced to suggest that any PA announcements were made in respect of the pitch incursions either before or during the game;
- 139.10. It was clear from the evidence of the West Bromwich Albion's Goalkeeper, the Match Assessor and the video clips that the Home club did not fulfil this responsibility to ensure that police and/or stewards are able to protect match officials, players and management staff in the technical areas, but particularly the visiting team's players and staff, and to prevent spectator entry into the player's tunnel;
- 139.11. There was no evidence of any media strategy to forewarn supporters in advance of the game of the consequences of any pitch encroachment and, whilst there was evidence that meetings took place between the Club and the police, the level of stewarding resources was only increased by 20 contract stewards who were all deployed in areas connected with the Away fans and their deployment would have no

impact on the Home supporters nor would they be in a position to address the incursions by the Home fans;

- 139.12. There was no evidence that any protection was afforded to the players or match officials at the final whistle. The Match Assessor, Mr Morton, stated in his report that *“immediately the final whistle was sounded thousands of spectators entered the field of play which presented a danger to match officials and players. Fortunately the match officials managed to reach the dressing rooms without sustaining injury”*;
- 139.13. Whilst in the opinion of the Safety Officer, the deployments were adequate to protect the tunnel area that did not appear to be the case from the snapshot footage that we viewed. There did not appear to be any structured plan in place to create a sterile area and the whole area was congested; and
- 139.14. Again, as previously stated there was no evidence of any response teams in the briefing documents nor any evidence presented by the Club to suggest that they have such teams.
140. Mr Hebbard’s report also made reference of the Guide to Safety at Sports Grounds, publication commonly known as the Green Guide, which was also quoted extensively in the bundle by West Bromwich Albion in their response to The FA.
141. Based on the formula advised in the Green Guide for a high profile match where there is an increased risk with an anticipated crowd of 40,000 spectators then the minimum number of stewards required would be in the ratio of 1 steward for every 100 spectators, which equates to 400 stewards. The number of stewards for this game was 258, which included the 20 contract stewards. We found this to be totally inadequate.
142. No efforts were made to detain or eject any of the pitch invaders, which was not surprising considering the lack of available stewards in the relevant areas.
143. Players’ and officials’ safety was compromised during all the pitch incursions

- with the West Bromwich goalkeeper being subject to abuse on a number of occasions. There was no attempt to protect them and there appeared to be no response teams factored into this game to deal with pitch incursions.
144. The relevant guidance in The FA's Crowd Management Good Practice appeared not to have been followed and the formula advised in the Green Guide for a high profile game with increased risk also appeared not to have been given any consideration.
 145. We understood Mr Handley's observations that the Club did not want a 5.30pm kick-off on Saturday afternoon for this match and it was imposed upon the Club.
 146. We also noted Mr Handley's comment that the extreme pitch protection measures identified by Mr Heberd were unrealistic. Whilst this might have relevance to the last few minutes of the game, it did not address the issue that an early deployment of stewards following the first pitch incursion could have resolved two of the consequent pitch incursions.
 147. Mr Handley also stated that pitch intruders were congratulating the players after the goals but we noted from the evidence that some were abusing the West Bromwich Albion Goalkeeper/players.
 148. The Club made the reference to information from the Police Commander but we did not receive such evidence for us to consider.
 149. In conclusion, we were unanimous in our decision that there were serious shortcomings revealed in the planning process and Aston Villa not taking notice of key advice and good practice available in the Green Guide and the FA Good Practice Guide, both publications being in existence to ensure the safety of spectators, players, match officials and stewards at football matches. It was fortunate that there were no serious injuries during these incidents.
 150. These shortcomings and the reduction in levels of stewarding at Villa Park over the recent period as reported by Mr Heberd might not have been exposed previously but the undesirable and irresponsible behaviour of some fans at this match had brought it to the fore.

151. We were mindful that these unsavoury scenes of pitch incursions and invasions would have been seen live by millions of TV viewers, which would portray the image of our national game adversely, and could deter supporters attending matches or make them feel concerned for their safety – these scenes must be dealt with and avoided at all costs.
152. We assessed this case to be a serious breach with high culpability.
153. We decided to offer some credit for the Club’s admission to the Charge. Whilst the Club fully admitted to the Charge ultimately, we noted that, initially, the Club only admitted to some allegations and denied some other allegations. Therefore, it was not a full admission at the earliest opportunity.
154. We also noted that the Club had asserted that the evening kick-off time was imposed upon them and beyond their control, which might be argued as a mitigation factor. However, we believed that the Club could have further increased the level of stewards to address this added risk. We decided to reflect this in the sanction we would impose.

The Sanction

155. We reminded ourselves that the Club ultimately had accepted the Charge and there was no relevant previous disciplinary record of similar nature involving spectators.
156. In considering the sanction, Mr Marsh advised us that there were no specific sanction guidelines for breaches of FA Rule E20 involving spectators or pitch encroachment and, therefore, the Commission could impose any sanction it considered appropriate. Guidelines were however available for other breaches of FA Rule E20 for offences such as mass confrontations (of players and/or officials) or surrounding of the match official (by players and/or officials). For those offences guidelines had been issued and the maximum sanction for a Premier League Club for their first offence is a fine of £250,000 and a deduction of 2 points. Although these guidelines are for different breaches of FA Rule E20 they do provide an indication of the appropriate fine for this type of disorder

and breach. We considered this type of breach to be more serious than a mass confrontation of players (defined as 2 or more players) or the surrounding of the match official (defined as 3 or more players).

157. Although we were aware of previous sanctions, for similar cases, such as the fine of £115,000 against West Ham United FC (vs. Millwall) in 2010, each case turns on its own facts. A sanction is then applied on a case by case basis following an assessment of the level of seriousness and culpability with credit applied for mitigation.
158. We decided that due to the level of seriousness and culpability in this case, based on the many aggravating factors present, our entry point would be £250,000. We then decided to give a £50,000 credit for the admission to the Charge and mitigation presented.
159. We, therefore, ordered that Aston Villa be:
- 159.1. Fined a sum of £200,000 (two-hundred-thousand pounds); and
 - 159.2. Severely warned as to their future conduct.
160. We made no orders for costs.
161. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Thura KT Win, JP (Chairman)

Peter Fletcher

Alan Hardy

18 May 2015