

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

ARSENAL FOOTBALL CLUB AND TOTTENHAM HOTSPUR FOOTBALL CLUB

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE HEARING
ON 12 DECEMBER 2018

Background

1. These are the written reasons and decisions made by an Independent Regulatory Commission which conducted a paper hearing by Webex on 12 December 2018 to consider consolidated charges against Arsenal FC and Tottenham Hotspur FC
2. The Regulatory Commission members were Mr Tom Finn, Chair and Independent Football Panel Member, Mr Tony Agana, Independent Football Panel Member and Ms Alison Royston, Independent Football Panel Member.
3. Mr Paddy McCormack of the FA Judicial Services Department acted as Secretary to the Regulatory Commission.

Arsenal FC

4. By letter dated 3 December 2018, The FA charged Arsenal Football Club with misconduct for a breach of The FA Rules pursuant to Rule E20 (a) in respect of a Premier League fixture between Arsenal FC and Tottenham Hotspur FC played on 2 December 2018. ("the Match")
5. It was alleged that in or around the 32nd minute of the Match Arsenal FC failed to ensure that its players conducted themselves in an orderly fashion.
6. The FA had designated the case as Non Standard due to the proximity of the incident to the crowd, the involvement of stewards and the Club's breach of FA Rule E20(a) in the preceding 12 months in a fixture against Leicester City FC on 9 May 2018.

Tottenham Hotspur FC

7. By letter dated 3 December 2018, The FA charged Tottenham Hotspur Football Club with misconduct for a breach of The FA Rules pursuant to Rule E20 (a) in respect of the Match.
8. It was alleged that in or around the 32nd minute of the Match Tottenham Hotspur FC failed to ensure that its players conducted themselves in an orderly fashion.
9. The FA had designated the case as Non Standard due to the proximity of the incident to the crowd and the involvement of stewards.

Consolidated Proceedings

10. The above referenced Charges were consolidated pursuant to Regulation 13 of the Disciplinary Procedures Regulations at page 138 of The FA Handbook Season 2018-2019. It was stated on each Charge that the proceedings would be conducted together and the Charges would be determined at a joint hearing.

Rules

11. FA Rule E3(1) states that –

“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.”

12. FA Rule E20 states that –

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

“(a) that its directors, players, officials, employees, servants, representatives, spectators, 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.”

Evidence

13. The FA included the following evidence with the respective Charges:

- a. Extraordinary Incident Report of the Match Referee Mr Michael Dean dated 3 December 2018
- b. Video clips of the incident

The Match Referee Mr Dean stated in his report

“Could the FA please look at the incident on 32 minutes after Tottenham’s Eric Dier scored a goal his celebration near the corner flag then got a little out of hand with subs from both teams getting involved and technical area personnel. I have no idea if any misconduct took place there was far too many bodies in the way to make a decision and i have no choice in passing the incident over to the FA for further investigation.”

Replies to the Charges

14. The Charges were admitted by the two clubs.
15. Neither club requested a personal hearing and the cases were dealt with on the papers only. The clubs presented comprehensive submissions, the contents of which were read and noted. Both clubs also submitted additional video evidence that was viewed alongside the video evidence submitted by the FA.

Findings

16. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all written and video evidence in respect of this case.
17. The incident occurred following the scoring of an equalising goal for Tottenham by Eric Dier who celebrated by running towards the nearest corner flag area together with other Tottenham players. Dier gestured towards the Arsenal fans in that area of the stadium by putting his fingers to his lips. Some of the Arsenal substitutes were warming up on the touchline adjacent to where the Tottenham players were celebrating and one of these, Lichtsteiner, stepped onto the pitch and reached out and touched Dier and another player Erikson. One of the other Arsenal players, Lacazette pulls Lichtsteiner away but Sissoko of Tottenham runs past his teammates, who are celebrating, and pushes Lichtsteiner away.
18. A melee then ensues as other Arsenal substitutes, Tottenham players and ultimately technical staff and Arsenal stewards come together. Ramsey of Arsenal and Alli of Tottenham are seen grappling with each other and, of the other players, Guendouzi of Arsenal who was a substitute runs into the melee in an aggressive manner. A number of plastic bottles are thrown by

spectators in the vicinity of the incident. The incident soon calms down lasting approximately 40 seconds in total.

19. Having considered all the evidence and reviewed the incident from numerous angles the view of the Commission was that both clubs were equally to blame for the events that occurred. With regards to Arsenal Mr Lichtsteiner's intervention prompted the confrontation, it is likely that the Tottenham players would have returned to their half after celebrating the goal if he had not stepped on to the pitch. However his actions could in no way be deemed aggressive and did not warrant the reaction from the Tottenham players and Sissoko in particular. A number of Arsenal players were then involved in the incident and Ramsey and Guendouzi acted aggressively.
20. As regards Tottenham Hotspur Mr Dier's goal celebration was provocative. In his witness statement Dier stated that he had been jeered and the subject of abuse by Arsenal fans and the finger on the lips "hush" gesture to them was presumably in response to this. It was, nevertheless, likely to incite the crowd in a match of this nature and was ill advised. There was, however, no excuse for Mr Lichtsteiner to get involved, it should have been left in the hands of the Referee to determine if Dier's reaction was inappropriate and to then take any action he deemed necessary.
21. In addition to Dier, Tottenham Hotspur player Sissoko leaves the pitch and confronts Lichtsteiner which led to the incident escalating and further players getting involved and Alli becomes involved in an act in an aggressive encounter with Ramsey and Guendouzi.
22. It should be noted that the majority of players and officials from both sides were acting in a peace making manner trying to keep players apart and urging them to return to the playing surface and resume the match. They were assisted by the Arsenal stewards deployed in this area of the Stadium.

Sanctions

23. The Commission was provided with details of their relevant antecedents for breaches of FA Rule E20:

Arsenal

September 2015 £30,000

May 2018 £20,000

Tottenham Hotspur

November 2014 £20,000

December 2015 £20,000

May 2016 £175,000

September 2017 £20,000

24. Mr McCormack advised the Commission that the standard penalties in Sanction Guidelines for an offence under an E20(a) charge committed by a Premier League club is £20,000 for the admitted first offence and £30,000 for the first offence charge denied but subsequently found proven by a Regulatory Commission. However, as we were dealing with Non Standard Cases, these standard penalties do not apply and the sanction is open to us to determine, up to the maximum amount. The maximum penalty for a breach of FA Rule E20 for a Premier League club is £250,000.
25. In determining the seriousness of the incident whilst it lasted approximately 40 seconds before order was restored, this was long enough for the following aggravating features to have been present, and for which both Clubs were responsible:
- a. The potential incitement of the crowd;
 - b. The proximity of the incident to the crowd;
 - c. The involvement of technical staff and stewards
 - d. The profile of the match
26. Taking into account the fact that Arsenal had two previous breaches of Rule E20 in the past five years the most recent of which was in May 2018 and based on our assessment of the nature, level of seriousness and culpability of the club, we considered that our entry point for a fine at £65,000 would be appropriate. We then decided to reduce it to £45,000 for the clubs' admissions to their Charges and limited mitigations present.
27. Tottenham Hotspur had four previous breaches of Rule E20 in the past five years thus warranting in the Commission's view a higher sanction than Arsenal. Based on our assessment of the nature, level of seriousness and culpability of the club, we considered that our entry point for a fine at £70,000 would be appropriate. We then decided to reduce it to £50,000 for the clubs' admissions to their Charges and limited mitigations present.
28. As these charges were consolidated, the Commission then considered whether the sanctions reflected the overall culpability, having regard to all the relevant factors. This was to ensure there was not a disproportionate and unjust disparity between the two clubs. The Commission was satisfied that the sanctions were fair and proportionate when all the relevant factors were taken into account.

Conclusion

29. The Regulatory Commission, having carefully considered the Regulations and the mitigating factors, have imposed the following sanctions :

30. Arsenal Football Club is fined the sum of £45,000.

31. Tottenham Hotspur Football Club is fined the sum of £50,000

Appeal

32. These decisions are subject to the relevant Appeal Regulations.

Mr Tom Finn, Chair

Mr Tony Agana

Ms Alison Royston

12 December 2018