

IN THE APPEAL OF:

HALE END ATHLETIC (Appellant 1)

STEVE CHAMBERS (Appellant 2)

8th February 2022

The Panel

Rossano Scamardella Q.C. (Chair)

Alban Brahimi

Greg Fee

The Representation

Steve Chambers for both appellants

Melanie Armstrong for the Respondent (Amateur Football Alliance)

Introduction

1. On 29th November 2021, the Respondent charged the Appellants with breaching FA Rule E3 – Improper Conduct – not including threatening and/or abusive language/behaviour (Appellant 2) and FA Rule E20 – Failed to ensure Players an/or Officials an/or Spectators conducted themselves in an orderly fashion (Appellant 1).
2. For Appellant 1, it was alleged that during a match against Spa Park Athletic Veterans, on 20 November 2021, the manager and players of Hale End Athletic persistently argued and verbally abused the referee, which caused the referee to abandon the match.
3. For Appellant 2, the charge was brought on the basis that it was alleged that the Appellant had persistently argued with the referee about his decisions, during the

abovementioned fixture, which is improper conduct as set out in the FA Rules and Regulations.

4. The first instance Commission sat on 9th December 2021 and heard the matter on papers. The Commission found the charges, which had been denied, to be proved. It is noted that the Appellants had submitted evidence after the initial charge deadline, which the Commission agreed to be allowed to be submitted as part of the matter.
5. The Commission ordered that Appellant 1 pay a fine of £150 and ten club penalty points were awarded against Appellant 1. The Commission ordered that Appellant 2 was to be given a 2-match suspension, a £30 fine and for five penalty points to be awarded.

Background

6. The factual background and evidence in this case were laid out in the Appeal Bundle and Commission's written reasons dated 14th December 2021. In summary, the incidents reported concerned an Essex Veterans League – Division Two match played on Saturday, 20th November 2021. The referee, following the match, submitted two Extraordinary Reports which set out a series of events that allegedly occurred during the match, concerning Hale End Athletic Players and Officials, that led to the match being abandoned. It was stated that a red card was issued to the Hale End Manager, Steve Chambers.
7. The allegations made by the referee were disputed by Steve Chambers (Appellant 2) as well as other witnesses in statements provided by the Appellants. The opposition manager, Matthew Phillipson, also submitted a statement which corroborated the allegations made by the referee.
8. The Panel convened on the 8th February 2022, to hear these two linked appeals. For summary, at a hearing on the 10th December 2021, the Appellants had proven against them the following allegations:

Hale End Athletic FA Rule 20, Failure to ensure players and/or officials conducted themselves in an orderly fashion.

Fined £150

10 penalty points imposed

Steve Chambers FA Rule E3, Improper Conduct (not including threatening and/or abusive language/behaviour.

Suspension for 2 matches

5 penalty points imposed

Fine £30

9. The Appellants raised just one ground of appeal, namely that the penalties imposed were excessive. Mr Chambers made it known to the panel that the club had paid their fine but he, for entirely understandable reasons, had not paid his fine or served his suspension.

Determination

Hale End Athletic

10. The panel allowed this appeal. We took the view that the fine and the penalty points imposed on the club were excessive and accordingly reduced the fine to £90 and the penalty points to 8 points. The club are to be reimbursed £60, having already made payment.
11. Having considered the comprehensive and very helpful written reasons document produced by the Chair of the Disciplinary Commission, we allowed the appeal for the following reasons;

- i. The fine of £150 was at the very top of the bracket (£75-£150), which meant no credit whatsoever had been afforded to the club for their very good disciplinary record, a factor which the commission found to be a mitigating feature. Having found this as a mitigating feature, there should have been a reduction of the fine to reflect that finding.
- ii. Whilst it was regrettable that Hale End Athletic submitted their paperwork one day late, in our view that cannot aggravate the offence itself. The decision of the commission to treat this issue as an aggravating feature (which contributed to the decision to impose a fine at the top of the bracket), was wrong.
- iii. For the reasons listed in (i) and (ii), the imposition of 10 penalty points was also excessive.

Steve Chambers

12. The panel rejected this appeal. The appeal paperwork made clear to the panel that Mr Chambers harboured a slight misunderstanding about the nature of the hearing, in essence, his well-drafted written documents sought to persuade the panel that he was not guilty of that which had already been proven against him, rather than explaining why, in his view, the imposition of a £30 fine and a two-game suspension was excessive.
13. I informed Mr Chambers of this at the outset of the hearing and reminded him on more than one occasion during his submissions. The Panel was obliged to consider whether the sanction imposed upon Mr Chambers was excessive, it was no task of ours to review the decision of the commission who made the findings.
14. The appeal was rejected for the following reasons;
 - i. The abandonment of any match is a serious issue and if that abandonment is caused by the misconduct of a player or official of a club then a suspension is inevitable.

- ii. Mr Chambers entered the field of play to confront the referee, which in itself is a serious issue. Mr Chambers' conduct persisted after the game had been halted and he was issued with a red card (albeit one which he did not see). The imposition of a two-game suspension was a perfectly reasonable, if not modest, punishment in those circumstances and according to the guidelines for offences of its type.
- iii. The financial penalty imposed upon Mr Chambers, was squarely within the bracket permissible for this offence (£20-40).

15. I would like to place on the record my thanks to Mr Chambers for his courteous and measured submissions, but there exist no justifiable complaints about the sanctions imposed upon him.

Rossano Scamardella Q.C.

14th February 2022