

FOOTBALL ASSOCIATION REGULATORY COMMISSION

THE FOOTBALL ASSOCIATION

- v -

BRISTOL ROVERS FC

Regulatory Commission: Christopher Quinlan QC – Independent Judicial Panel
Chairman

Philip Rainford – Independent Football Panel Member

Peter Fletcher – Independent Football Panel Member

Paddy McCormack – Judicial Services Manager, secretary

Date: 25 July 2022 and 27 July 2022

Venue: By *Microsoft Teams* video conference call

WRITTEN REASONS OF THE REGULATORY COMMISSION

A. INTRODUCTION

1. Bristol Rovers FC (“the Club”) played its forty-sixth and last match of the 2021/22 English Football League 2 season at home at the Memorial Stadium, Bristol. The said match was played on 7 May 2022 against Scunthorpe United FC (“the match”).
2. In consequence of the behaviour of supporters on two occasions during and after the match, the Club was charged with misconduct for two breaches of FA Rule E20.1 and E20.2 in respect of the above fixture. The particulars of the said charges are:
 - a. In or around the 85th minute of the match the Club failed to ensure that its spectators, and all persons purporting to be its supporters or followers, conducted themselves in an orderly fashion and/or refrained from using threatening and/or violent behaviour whilst encroaching onto the pitch area.

- b. At the conclusion of the fixture, the Club failed to ensure that its spectators, and all persons purporting to be its supporters or followers, conducted themselves in an orderly fashion.
3. The Club admitted the charges and requested a 'paper hearing' which took place by *Microsoft Teams* on 25 and 27 July 2022.

B. FACTS

4. The context for the disturbances is that the Club had to better their Promotion rivals score (Northampton Town) by five goals to secure automatic promotion to League 1. In advance of the match prospects of that happening were remote.
5. The context for the two charges of misconduct is as follows. The referee reported that in the 77th minute, after the Club scored its fifth goal, a smoke device had been released by a fan or fans located in the West Stand. Stewards acted quickly and dealt with the situation before he restarted the game.
6. In the 79th minute of play after the Club scored its sixth goal a further smoke device was released by its supporters in the North Stand. This device was thrown over the perimeter barrier and landed on the grassed area behind the goal. Simultaneously, eight-ten of its supporters located in the North Stand left the terrace by climbing over the barrier and entered the grassed area behind the goal to celebrate the goal. Another two fans located in the East Stand left the terrace by climbing over the barrier and entered the technical area. Stewards removed the fans as quickly as possible and the referee spoke with the Club captain and asked him to speak to his manager to try and calm the supporters down so the game could resume.
7. The first incursion was the reaction of part of the crowd to scoring its seventh goal to make the score 7 v 0. The goal was scored in the 85th minute of the match. That goal if the score remained as it then was, secured promotion. It was the catalyst for what followed immediately thereafter. Players celebrated in front of the home supporters behind the goal in the Thatchers North Stand. In his statement the referee said this:

“However this ignited Bristol Rovers FC spectators into a major pitch_invasion entering the field of play from the Thatchers North Stand, the Somelap West Terrace & Poplar Insurance Terrace approx. 500 plus spectators entered the field of_play with several smoke devices being utilised.”

8. What is clear is that the seventh goal caused home supporters to celebrate exuberantly and some entered the field of play. In consequence of the ‘pitch invasion’ the referee stopped the match and took the players from the field of play. The referee said:

“Due to the large number of spectators on the field of play celebrating with the Bristol Rovers FC players, there were also a large number of Bristol Rovers FC spectators goading/ insulting the Scunthorpe United FC players. With players safety my main responsibility/ focus for both Bristol Rovers FC & Scunthorpe United FC, I blew my whistle & pointed towards the tunnel to remove the players to allow the Bristol Rovers FC stewards/ Police an opportunity to remove the Bristol Rovers FC spectators from the field of play. Whilst leaving the field of play, the Scunthorpe United FC goal Owen Foster informed me that he had been assaulted by a Bristol Rovers spectator in front of his colleague Liam Feeney, no match official witnessed the incident.”

9. There were no statements from Owen Foster or Liam Feeney. The referee’s report states that Foster told him he was a pushed by a spectator and a clenched fist made “contact with his neck/jaw”.
10. Scunthorpe United FC submitted to The FA a letter dated 19 May 2022. The letter said this about the assault:

“At this point, one of our players – a 17-year-old goalkeeper – is goaded, abused and then assaulted by a home supporter as he is attempting to leave the field of play due to the pitch invasion.”

And

“Thankfully, the Player reported back to the Club that he was fine despite the incident which had occurred.”

11. To its credit Scunthorpe United also said this (in the said letter):

“We appreciate the measures which were put in place ahead of the restarting of the game by the match officials and Bristol Rovers to ensure the game could conclude in its entirety while ensuring the safety of Owen Foster and the other Players and Staff of Scunthorpe United Football Club. Having spoken with Owen in the days following the incident, he has confirmed that he was satisfied with the way the incident was dealt with by the match official and his team.”

12. Further, in a press release issued by the Avon & Somerset Constabulary on or about 24 May 2022 the following appears:

“In addition, a boy has also been banned from attending football matches after admitting assaulting a Scunthorpe United player in the closing stages of Bristol Rovers' match at The Memorial Stadium on Saturday 7 May.

With Rovers closing in on automatic promotion, a large number of supporters ran onto the pitch and one of the visiting players was pushed. The 16-year-old was given a caution, which includes being banned from attending football matches for a fixed period.”

13. Events were captured in a 108 second long video clip of the incident. We were told that was the only footage of the incident. The footage is consistent with the generality of the referee's statement though the number of supporters on the pitch appears significantly fewer than 500. The referee said that the match was suspended for nineteen minutes before it resumed and was completed.

14. When we asked if there was any further footage, The FA sent a further short (134 second) clip. It clearly shows a number of ignited smoke devices, which either were thrown from the stands onto the pitch or discarded by incursive supporters.

15. The second incident followed the final whistle. Once more it is captured in a two-minute-long clip provided to us. That was supplemented by a further short (15 second) clip from The FA. Many more supporters entered the playing area. They were jubilant, no doubt

celebrating the victory and promotion. Several smoke devices are ignited. The referee's report simply says this about it:

"As I blew for full time at the conclusion of the fixture, this ignited the Bristol Rovers FC spectators into a major pitch invasion to celebrate their promotion entering the field of play from the Thatchers North Stand, the Somelap West Terrace & Poplar Insurance Terrace. Please can you watch the match footage for any misconduct note witnessed by the match officials."

16. The Club replied to the charges by way of an undated letter. It said it took the following measures.

- a. Therein the Club set out what it said was its planning and preparations for the match which included three meetings with police. In addition, it put in place additional stewarding (146 in total) for the sell-out crowd and had agreed a response plan for any pitch invasion. In the days before the match specific communications were developed and presented to supporters reminding those supporters of the acceptable standards of behaviour and the specific requirements for this fixture.
- b. The Club said it took steps during the match. Following the sixth goal stewards were deployed along the front of the North Terrace as it was apparent the risk of a pitch incursion was increasing. The CCTV operator also positioned the cameras to cover this area. The objective of the steward deployment was to try and discourage the pitch invasion. Additional response personnel were allocated to respond to the match officials and players to protect them and escort them to the changing rooms. The Deputy Safety Officer took up position in the players tunnel so he could respond quickly with the response stewards to a pitch incursion.
- c. During the first pitch incursion following the seventh goal it said that approximately 150-200 spectators broke through the line of stewards entering the pitch from the North Terrace. The stewards that were lined up in front of the terrace began the process of removing the supporters.
- d. Further, following dialogue with the referee and subsequent discussion with the match commander the Club facilitated the deployment of police resources along the front of the North Terrace so the match could proceed. Joey Barton (the

Club's manager) addressed the supporters requesting they left the pitch area and did not return. At the end of the fixture when large numbers of the Club's supporters entered the field of play, it is right that their mood was one of elation. Stewards assisted players to leave the pitch safely. The Club staff cooperated with police in respect of the alleged assault of an opposition player. That cooperation continued after the match including sharing CCTV and supporters' details under the club's information sharing protocol.

e. Further the Club said:

"The club will adopt a proactive response. It will act according to the outcome of its own investigations and that of the Police investigation into criminal offences and proceedings. Any matters which do not fit into that category will be dealt with by [the Club's] Anti-Social Behaviour Policy to any misconduct and will respond to individuals involved in accordance with its Anti-Social Behaviour policy in partnership with the police."

f. The Club said it would review its safety management procedures during the summer in preparation for the new season and would *"ensure all learning points are adopted within its management plans"*.

17. The Club was charged by letter dated 24 June 2022.

18. By its Reply dated 30 June 2022 the Club admitted the charge and requested a paper hearing.

19. We first convened on 25 July 2022. However, we sought the following further information:

a. From The Club by noon on 27 July 2022:

- i. Additional CCTV footage (if available) from the 70th minute of the match up to the 85th min relating to the North, East & West Stands pitch perimeters.
- ii. Copies of the following:
- iii. Its Match Risk Assessment - in particular referencing the levels of risk and associated Control measures relating to pitch incursions.

- iv. The Stewarding Plan - In particular highlighting the relevant and enhanced steward deployments associated with pitch incursions. Furthermore, an explanation relating to usual stewarding numbers in comparison to this match and its additional resources booked to reflect the increased risk of the match. I.e. 150 stewards booked this match versus usual numbers for a league fixture.
 - v. Steward Briefing Notes - In particular highlighting any proposed reaction and responses to pitch incursions.
 - vi. Pre match fan communications relating to the 'acceptable standards of behaviour and the specific requirements for this fixture'. Please supply both the extract already mentioned in the Club response and also the full unedited fan communication.
 - vii. Policing Plan - any pertinent sections relating to the potential and response to pitch incursions at the fixture.
 - viii. Pre-Match Response Plan as highlighted in the Club's responses to charge, specifically where the issues and resource management relating to pitch incursions and the protection of players and match officials are covered.
 - ix. Match Officials Briefing - Any documentation or evidence relating to the issues covered during the pre match 'match officials briefing'.
 - x. Details of its contingency plans relating to pitch incursions covered in the Club's Operations Manual.
- b. From The FA by 09.00 on 27 July 2022:
- i. Details of the Club's compliance with and any feedback issued in relation to the action plan issued to it in November 2019.

20. Directions in those terms were sent to the parties at 21.28 on 25 July 2022.

21. The Club replied, initially sending us five documents which contained the following:

- a. Event Risk Assessment for the match in question.
- b. Stewards Deployment Plan.
- c. Pre-Match Communication for supporters.

- d. Pre Match Response Plan.
- e. Match Officials briefing sheet.
- f. Pitch invasion “suggested procedure”.

22. We consider the content below in paragraphs 31-47.

23. The FA replied thus:

“The FA intended to audit the Club following the November 2019 action plan, however, due to the Covid-19 pandemic and the fact that fans were not permitted in the stadium, this did not take place. Since the return of fans, The FA has not received any complaints and/or issues in respect of the Club or its fans (until the present matter) and the Club were presumed to be complying with the action plan.”

24. Thereafter the Club informed us that in respect of the Action Plan it has taken the following steps:

- a. Appointed a new lead Safety Officer.
- b. It works with specialist security contractors for steward provisions and employs in-house experienced supervisors and CCTV operators.
- c. Has a dedicated contact number where supporters can report abuse, which is on every match day ticket.
- d. Anti-racism messages are displayed on the club’s big screen ahead of kick off and published in the match day programme.
- e. Following the incident in 2019, it issued statements condemning the chants and actively looked to identify people acting inappropriately.

C. SANCTION

25. Times have changed since Kenneth Wolstenholme’s famous observation. The starting point is that any mass pitch incursion or invasion by supporter, whether celebratory, friendly or hostile has an associated risks and danger to the players, match officials and

spectators. On 25 July 2022 a statement issued jointly by issued The FA, Premier League, the EFL and Football Supporters Association stated:

“The FA, Premier League and EFL are together introducing new measures and stronger sanctions across the game to tackle the increased anti-social and criminal behaviours recently seen within football grounds and underline the importance of a safe matchday environment.

The new set of actions, which will be implemented across all English football leagues from the start of Season 2022/23 and backed by the Football Supporters’ Association, will target activity such as entering the pitch without permission, carrying or using smoke bombs or pyrotechnics and throwing objects - as well as drug use and discriminatory behaviour.

These acts are dangerous, illegal and have severe consequences. They have no place in football, or anywhere.

From the start of Season 2022/23, all identified offenders will be reported by clubs to the police and prosecution could result in a permanent criminal record, which may affect their employment and education, and could result in a prison sentence. The FA will also be enforcing a tougher charging and sanctioning policy for clubs, which will reinforce these measures.

Furthermore, anyone who enters the pitch and those identified carrying or using pyrotechnics or smoke bombs will now receive an automatic club ban. These bans could also be extended to accompanying parents or guardians of children who take part in these activities.

[...]

Our strong and collective approach reflects how seriously we all view this issue and the severity of the risks. Nobody should be intimidated or assaulted in their workplace. The pitch must remain safe for players, managers and match officials, just as the stands should be for supporters.”

26. We agree. Rightly, that statement notes that it is a criminal offence for a spectator to enter the playing area¹. The end of the 2021/22 season saw several well-publicised pitch invasions. By way of example incidents at Everton FC, Huddersfield Town FC and Port Vale FC. This is the first of those cases to be heard by a Regulatory Commission.

¹ S4, Football (Offences) Act 1991.

27. We have also considered the decision in *The FA v Birmingham City FC* (“*Birmingham City*”)². It is the most helpful decision so far as principles for sanctioning is concerned. We agree with the approach taken in that case, namely that the correct approach when considering the appropriate sanction should be reference to the following factors:

- a. The seriousness of the breach committed by the club.
- b. The culpability of the club.
- c. The harm caused by the incident.
- d. The mitigation available to the club.

28. We adopt and apply that approach, informed by the powers and principles in paragraphs 40-41 of The FA’s Disciplinary Regulations (‘the Disciplinary Regulations’). There are the further consideration of aggravating factors and such guidance as there is from guidelines and previous cases.

29. We also consider it appropriate to impose a single penalty which reflects the totality of the two incidents. We have therefore adopted the same approach when assessing the Cub’s fault and the mitigation.

(a) Seriousness of the breach

30. Each case must be judged on its own facts. What is being assessed for this purpose is the gravity of the Club's breach of the FA Rules, not the consequence (mass incursion) that flows from that breach.

31. The Club took some steps to address the (what was to us) obvious risk of a pitch invasion. However, they fell some way short of what was sufficient. The unsigned Event Risk Assessment was completed on 2 May before the multi-service meeting on 6 May at which pitch incursions were discussed. On the topic of a “Pitch incursion” it states:

“It is possible that BRFC will gain automatic promotion at this fixture and it is anticipated that a pitch invasion by the home fans will occur.”

² Written Reasons on Sanction, 16 September 2019.

32. The risk was assessed as high not very high. The Match Day Staff Briefing Sheet states:

“Pitch invasion by home supporters anticipated if BRFC secure automatic promotion.

33. It also states:

“During match

- Continue to steward segregation gates as detailed above.*
- Monitor crowd for signs of distress*
- Be aware of pitch encroachment at points of excitement and the use of pyro.*

Post-match

- Stewards to be deployed along the front of the AWAY supporter section to prevent pitch invasion from this section [...]*

34. There is reference to the fact that stewards should “*be aware of pitch encroachment*” but it is no more than a passing comment . We note the reference to away not home supporters in the context of a possible incursion and deployment of stewards. Our sense of those documents is that they appear to be directed *principally* towards a possible invasion at the end but not during the match. That is reinforced by the Operational Briefing which states:

“Pitch invasion suggested procedure

1. Stewards form up in front of away supporters in the South Stand

2. Full time whistle

3. BRFC supporters come on

4. Stewards remove Scunthorpe players, this will need to be communicated to them prior to the game

5. BRFC are escorted to the changing rooms when possible

6. BRFC hold in the changing rooms 10/15mins

7. PA announcement requesting people leave the pitch e.g. (this needs to be agreed by the club and only a suggestion at the moment.

a. *“Ladies and Gentlemen please leave the pitch area and return to your seat or terrace. The players will come back out for photos and a lap of honour but not until the pitch is clear. Thank you for your cooperation”.*

8. *Players come out and have EFL photos taken*

9. *Players complete lap of honour, it is anticipated that this may result in a further pitch invasion.”*
Emphasis added]

35. There was therefore no adequate plan for an incursion during the match. Further, while there was an increase in the stewarding for this match. However, based on the documents we have seen it was only an additional twenty-two. That is a about an 18% increase. They were deployed thus:

- a. Fourteen to the North & East pitch side duties
- b. Eight to South & West duties (Seemingly associated with away fans and their segregation from home supporters)

36. The footage and events demonstrate that such was insufficient.

37. The Club informed us that *“following the 6th goal stewards were deployed along the front of the North terrace as it was apparent the risk of pitch incursion was increasing. The CCTV operator also positioned the cameras to cover this area of the pitch”*. No footage has been provided in support. Indeed the footage of the first incursion shows little evidence of an increase in stewarding numbers: the stewards are spread out some distance apart and in our view clearly insufficient to deter or prevent the pitch incursion that followed from that area of the ground.

38. We are concerned about aspect of the CCTV material. The Club told us that it deletes the CCTV footage “automatically “after thirty days. However, The FA initially wrote to the Club on the 10 May 2022 in relation to the incident reports submitted by the referee and asked for their observations. Included in that was a request that the Club provided all available CCTV footage. The deadline for providing the observations and the CCTV footage was the 16 May, well within the thirty days.

39. We invite the FA to consider mandating clubs to retain all CCTV where a club is being investigated for a breach of Rule E20 in these or similar circumstances until:

- a. the investigation is complete, and the club not charged or
- b. until the completion of disciplinary proceedings, including any appeal or the time for the submission thereof has expired.

40. In the CCTV footage provided it appears principally to be filming the actual game itself (until the incursion) and not concentrating, as it should, on the areas where, given the previous incidents that the referee reported on in the 77th and 79th minute, it should have been.

41. Further, as part of the 2019 Action Plan the Club was directed that CCTV Operators shall receive enhanced training on the use of CCTV systems and identification of “potential match day offenders”. Based on the footage provided to us, there is little evidence that has been effective if provided.

42. Some steps were put in place to protect the Match Officials. The Briefing Sheet states:

“Anti-Social Behaviour

In the event of ASB, i.e. pitch incursion, the referee and his team should make the centre circle where stewards will escort them from the pitch.

Fireworks/Pyro

National prevalence, stewards briefed to deal with. Please brief players not to handle.

43. Indeed, the footage shows stewards going to escort the Match Officials following the incurs in the 85th minute. On pyrotechnics it says this:

“No intelligence received. BRFC supporter used pyro at the previous FGR fixture. Some intelligence has been received to suggest some Scunthorpe fans may try to bring in pyro devices.”

44. It continues:

“A management plan to respond to the pitch invasion has been produced and communicated with the lead police personnel on duty at the fixture. The club has cleared away possible trip hazards around the pitch and stewards will be briefed accordingly. Full discussion in respect of pitch incursion has taken place at police planning meeting.”

And

“Stewards to receive a briefing regarding pyro usage and the need to ensure they search thoroughly.”

45. Given the number of smoke devices deployed at different times, if there was searching of supporters it was inadequate.

46. Further, the Pre-Match Communication for supporters does not instruct the supporters to stay off the pitch as it should have done in clear terms. It says only this:

- *Supporters are reminded that anti-social behaviour of any kind will not be tolerated. Every supporter in a seated area must sit in their allocated seat as every area is sold out. Supporters in a terrace area must remain in the area where their ticket is purchased.*
- *Supporters are not permitted to stand in any stairways at the stadium.*
- *The club has a zero-tolerance policy on the usage of any pyrotechnics on site. Those that are found in possession of or using any pyro will be identified and sanctioned.*

47. Further we asked for but were not provided by the Club with either a Pre-Match Response Plan or Policing Plan. The obvious inference is that they do not exist.

48. Considering the matters we have referred to we categorise the seriousness of the Club's breach of the FA Rules as high.

(b) Culpability

49. As the Regulatory Commission recognised in *Birmingham City*³ adopting the approach of the Appeal Board in *Reading FC v The FA*⁴ that there is a sliding scale of culpability for breaching Rule E20 in respect of a mass pitch incursion could range [1] the most serious [for example a deliberate decision not to provide the necessary resources for financial reasons], to [2] a reckless disregard in respect of the Club's duties, to [3] gross negligence, to [4] negligence simpliciter, down to, finally, [5] a situation where a club has marginally failed to avail itself of the "due diligence" defence set out in Rule E21. We have adopted that approach.

50. This is not a Category 1 case namely a deliberate decision not to provide the necessary resources for financial reasons. It is not a Category 5 case either. It was not reckless in the sense that the Club turned a blind eye to the risk of an incursion or took no steps to address the risk of one. It did take some steps but directed towards an incursion at the end of the match. Those steps were inadequate. Its conduct is properly categorised as negligent and its fault was significant.

(c) Harm caused by the incident

51. We agree with the decision in *Birmingham City*. 'Harm' encompasses the immediate adverse consequences of an incident and has a wider meaning as well. That would include for example

- a. The creation of a dangerous or hostile situation, even if that situation did not in fact escalate.
- b. The creation of a risk of 'copycat incidents'.
- c. The creation of any longer term consequences, such as the elevation of tensions at future matches between rival supporters, and
- d. Any wider damage to the reputation of football.

³ Paragraph 13.

⁴ 7 October 2015, paragraph 5

52. In our view the wider harm caused by the incidents can properly be described as significant.

- a. There were two incursions.
- b. In both a significant number of supporters entered the playing area.
- c. During both smoke devices were ignited.
- a. During the first incursion:
 - i. A player was assaulted.
 - ii. The referee was abused and a spectator attempted to grab him.
 - iii. Was of such significance and duration that it led to the players being removed and the match halted, and
 - iv. The match was delayed for almost twenty minutes before it was safe to resume.
- b. Notwithstanding that the majority (if not all) of the spectators were acting in a celebratory manner, there was the obvious attendant risk to the players from both sides and to the Match Officials.

(d) Aggravating factors

53. It is important not to 'double count'. Therefore, factors already considered in assessing the seriousness of the breaches, culpability and harm but not be taken into account again under this head.

54. We were provided with the Club's disciplinary record from 1 July 2016:

- a. Fined £2500 on 27 November 2018 for a breach of Rule E20(a) (mass confrontation); and
- b. Fined £3500 on 23 November 2019 for a breach of Rule E20(a); (mass confrontation)

55. Further and of particular relevance, in November 2019 the Club was fined £7500 for a breach of Rule E20. On that occasion the Club failed to ensure that its spectators conducted themselves properly when conducted homophobic chanting during a match played in August 2019. The Club were also ordered to comply with an Action Plan as

part of its sanction. It is if note that in paragraph 9 of the written reasons in that case, the Regulatory Commission noted that the Club “*openly admitted, there was a string of failures in [its] delivery of proper and safe stewarding*” and also described the stewarding as “*inadequate*”. The written reasons also noted that the Club were “*introducing plans and systems that will significantly improve Bristol Rovers’ standards*”. The February 2020 Action Plan ordered the Club to “*initiate a review of its stewarding establishment, provision, deployments and the quality of stewarding*”. That breach of Rule E20 aggravates the instant offences.

(e) Mitigation

56. There is the following mitigation:

- a. The Club’s admission.
- b. The Club took some preparatory and planning steps in advance of the match.
- c. The Club’s efforts during the match to prevent such an incursion and thereafter to restore good order after the 85th minute invasion.
- d. Its steps taken after the match.
- e. The content of the letter from Scunthorpe United FC.

(f) Guidance and previous cases

57. There are no standard sanctions or sanctioning guidelines, nor a minimum sanction. The Standard Penalty Guidelines for FA Rule E20 breach relate to Mass Confrontations &/or Surrounding the Match Official offences. They do not concern breaches of this nature.

58. Those guidelines do illustrate the principle that the appropriate penalties are significantly lower at this level of the game (English Football League 2) than, say, the Premier League. By way of example, the said Guidelines mandate a fine of £20,000 for a Premier league, £5000 for at Championship level and £1000 a League 2 for a ‘standard mass confrontation’ charge admitted case.

59. In its written submission (sent in reply to our Directions) The FA provided the following examples of previous breaches of FA Rule E20 involving spectators or pitch incursions:

- c. May 2015, Aston Villa FC (Premier League club) was fined £200,000.
- d. July 2015, Blackpool FC (English Football League Championship club) was fined £50,000.
- e. October 2015, Reading FC (English Football League Championship club) was fined £100,000 but was reduced to £40,000 on appeal.
- f. November 2015, Preston North End (English Football League 1) - £10,000.

60. The FA did not provide us with more recent examples. Necessarily those cases, like the instant, turn on their own facts. We do not consider it possible or useful to attempt any sort of adjustment of those sanctions to reflect the core factual findings in the present case and try thereby to arrive at an appropriate sanction. They illustrate that very high financial penalties are sometimes appropriate and, like the guidelines, sanctions should be commensurate with the club's place in the pyramid. We appreciate that all the clubs in those cases played at a higher level than the Club did.

(g) Conclusion

61. We impose a penalty which reflects the totality of the two incidents of misconduct. The first incident was particularly serious. Having regard all the matters set out including the fact that was a League 2 club at the time, the appropriate starting point is, in our view, a financial penalty of £25,000. Taking into account the mitigation including its 'guilty pleas' we reduce that to a fine of £16,500.

62. We warn the Club as to the consequences of any further failure to control its supporters. Save for that warning, and all the reasons set out, a financial penalty adequately reflects the gravity of the Club's breach of FA Rule E20. It would be disproportionate to impose any other, more serious, type of sanction.

63. The Club must pay the Commission's costs.

64. The Club has a right of appeal as provided by Disciplinary Regulations.

A handwritten signature in dark ink, appearing to read 'Chris Quinlan', is positioned above a horizontal line.

28 July 2022

Christopher Quinlan QC, Chair

On behalf of the Regulatory Commission