

**FOOTBALL ASSOCIATION DISCIPLINARY COMMISSION**

**ESSEX FA**

**v**

**RAINHAM WORKING MEN'S CLUB**

**Case ID: 10751339M**

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**WRITTEN REASONS**

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**Background and Chronology**

1. The Football Association convened a Disciplinary Commission (“the Commission”) on behalf of the Essex FA to adjudicate upon a disciplinary charge levied against Rainham Working Men’s Club.
2. The charge arose out of a match played on 29 January 2022 between Emerson and Upminster Reserves and Rainham Working Men’s Club.
3. The Commission constituted of a single member, Yunus Lunat who is a member of the FA National Serious Cases Panel.
4. By letter dated 16 March 2022 Rainham Working Men’s Club Sheffield were charged with misconduct for breach of FA Rule E20 for failing to ensure players and/or officials and/or spectators conducted themselves in an orderly fashion.
5. An acknowledgment was filed admitting the misconduct charge and requesting it to be dealt with by way of correspondence at a non – personal hearing.
6. The case was therefore referred for determination by a chairman sitting alone.
7. I had been provided with a bundle of documents containing all the evidence which had been read and considered.
8. The following is a summary of the principal issues and matters considered by the Commission. It does not purport to contain reference to all the issues or matters

considered, and the absence in these reasons of reference to any particular point or submission made by any party should not be read as implying that it was not taken into consideration. For the avoidance of doubt, all the evidence and materials furnished was taken into consideration.

9. **The Relevant FA Rules**

Rule E20.1 requires:

*“Each Affiliated Association, Competition and club shall be responsible for ensuring: that its players, officials, spectators, and/or all persons purporting to be its supporter(s) or follower(s), conduct themselves in an orderly fashion and refrain from improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour.*

Rule E21 provides for:

*“Any.....Club which fails 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 (under Rule E20) by spectators and all persons purporting to be spectators or followers of the Club if it can be shown 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”. (FA Rule E21 defence).*

**The Evidence**

10. The Commission had been provided with a bundle of evidence which had been read and considered. This included the following the following statements and reports:

- (i) A report by the referee Ian Tim Punter dated 30.01.2022 in which he stated that after Emerson had scored an equalising goal close to the end of the match he was surrounded by players, substitutes and officials from Rainham Working Men’s Club who had come on to the pitch. This was then repeated after the final whistle when a spectator also joined in. The referee was called a “*cheat, joke*” and told that he had “*ruined a good game*”. He was also subjected to fake applause. He was left feeling threatened.
- (ii) A response statement from Paul Tormey on behalf of the club in which he criticised the standard of refereeing at the match and also about the general deterioration in the standard of refereeing. He complained about

referees spoiling matches and said that he was considering giving up football. He did not feel that the referee was intimidated and apologised if that was the case, but maintained that the referee was simply asked about some decisions which the referee apparently conceded he had got wrong.

### **Sanction**

11. The previous disciplinary record of the Club was then reviewed. The club ran 3 teams and had one previous E20 offence from 03.10.2020 of a similar nature for which it was fined £87.50.
12. Reference was made to all of the FA Rules including the Disciplinary and Sanction Guidelines in arriving at the sanction.
13. Whilst the FA Rule E21 defence is not available to the Club as a defence to the charge *per se*, it is nevertheless necessary to determine whether the Club in fact cleared the hurdles described in Rule E21 as part of the process of determining the appropriate sanction.
14. Rule E21 comprises two limbs, firstly whether the incident complained of was the result of circumstances over which it had no control and secondly whether the Club's responsible officers had used all diligence to ensure that its responsibility was discharged.
15. The burden rests with the Club on both limbs on a balance of probabilities.
16. The Club had led no evidence nor made any submissions on any attempts to exercise "due diligence".
17. The offence was categorised in the high category due to the repeated incidents of abusive behaviour and surrounding the referee, which had left him feeling threatened.
18. The lack of insight was noted as an aggravating factor. Whilst there was an apology it was not felt that this was sincere in light of the rest of the comments in the response from Mr Tormey.
19. The following sanction was imposed:
  - (i) Rainham Working Men's Club shall pay a fine of £100.

(ii) Rainham Working Men's Club will be subjected to 7 disciplinary points.

20. There is a right of appeal in accordance with the FA Regulations.

09 April 2022

Yunus Lunat (Independent Chairman)