

Football Association Regulatory Commission (the ‘Commission’) in the matter of charges brought against Austen Booth (“AB”) for multiple breaches of The

FA’s Betting Rules.

Regulatory Commission Decision

1. These are the written reasons for a decision made by an Independent Regulatory Commission which convened by Microsoft Teams on 22 August 2024.
2. The Commission members were Mr Jonathan Rennie (Independent Legal Panel Member Chairman), Mr Bradley Pritchard (Independent Football Panel Member) and Richard Cooper (Independent Football Panel Member).
3. AB had admitted the charge and requested a personal hearing and was in attendance with Mr Sam Barnes, Club Official at Torquay United FC.
4. Mr Michael O’Connor of the FA Judicial Services, acted as Secretary to the Regulatory Commission.
5. The following is a summary of the principal submissions and evidence provided to the Commission. It does not purport to contain reference to all points made, however the absence in these reasons of any particular point, or submission, 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 the evidence and materials furnished with regard to this case.

Background

6. Since August 2014, under the FA's Betting Rules, a Participant at step 4 and above is prohibited from betting on the result, progress, conduct or any other aspect of, or occurrence in a football match or competition; or any other matter concerning or related to football anywhere in the world, including for example and without limitation, the transfer of players, employment of managers, team selection or disciplinary matters.

7. AB's playing career during the relevant period was as follows:

- a. 2017-2018 Registered to Truro City FC (National League South) and Barnstaple Town FC (Southern League Division One South and West).
- b. 2018-2019 – Registered to Truro City FC (National League South) and Buckland Athletic FC (Western League Premier Division)
- c. 2019-2020 – Registered to Truro City FC (Southern League Premier Division South)
- d. 2020-2021 – Registered to Tiverton Town FC (Southern League Premier Division South) and Buckland Athletic FC (Western League Premier Division).

8. AB was identified by The FA as having breached The FA's betting Rules when a Betting Operator shared AB's account activity with the FA.

9. The FA then contacted all UK based/registered betting companies and requested any accounts in the name of AB that showed breaches of The FA's Betting Rules. This resulted in various betting accounts being disclosed which

the FA then interrogated for accuracy before meeting with AB and discussing the accounts with him and then finalising the charges against AB.

10. The FA interviewed AB on 4 July 2024. The terms of that interview were available to the Regulatory Commission who considered that together with a statement dated 15 July 2024 from [REDACTED], Betting Integrity Investigator and the betting schedules showing all of the bets forming the charge.

11. At the interview on 4 July 2024, AB indicated that at the time he was betting on football between August 2017 and July 2021 he had no knowledge of the FA Betting rules. He indicated that his move into professional football had been a late development and that he had started playing at a small college in Devon and that within that environment that betting had not been discussed. During the period in question AB said that he had no training on the betting rules and said that no one had explained the rules to him. He was mostly just excited to have made the professional football ranks and was not aware of the seriousness of betting on football. He admitted to being naïve around betting rules at that time.

12. AB accepted placing bets and said that he had stopped football betting in Summer 2021 when he became aware of the FA betting rules. The interview proceeded to look at the profile and types of bets placed and AB confirmed that he had looked through the betting schedules himself. It was explained to AB that certain bets had particular aggravating features and these bets became a focus for discussion as undernoted:

a) Bet 46 on the schedule which was placed on 5 November 2017 and was AB betting a £5 single on [REDACTED] to score and Truro City FC

to win against Charlton Athletic FC in the FA cup. The bet was unsuccessful and AB was not in the squad for this match. AB said he could not recall placing the bet.

b) Bet 184 on the schedule which was placed on 9 March 2019 and was AB betting a £10 accumulator which included over 2.5 goals in the Truro City FC match against East Thurrock United FC in the National League South. The bet was unsuccessful and AB was not in the squad for this match. AB said he could not recall placing the bet.

c) Bet 188 on the schedule which was placed on 15 March 2019 and was AB betting a £10 treble accumulator that included Dulwich Hamlet FC to beat Truro City FC in the National League South. AB cashed this bet out and recovered his £10 stake which he then subsequently placed on Bet 189 on the schedule which again included Dulwich Hamlet FC beating Truro City FC in the National League South. The bet was unsuccessful and AB was not in the squad for this match. AB said he could not recall placing the bet.

d) Bet 203 on the schedule which was placed on 27 April 2019 and was AB betting a £10 accumulator that included Slough Town FC to beat Truro City FC in the National League South. The bet was unsuccessful and AB started this match and played for 77 minutes until he was substituted. AB indicated in the interview that he had not expected to be recalled and that he believed he had placed the bet and then found out at a later time that he was selected to play.

13. Following analysis of the betting accounts that were supplied to The FA by the bookmakers and the FA's interview with AB, The FA charged AB on 18 July 2024 with charges of Misconduct under FA Rule E8 in respect of a total of 289 bets placed over 4 seasons (relating to season 2017/18 and then

successive seasons up until season 2020/21). It was alleged that each bet was a separate breach of FA Rule E8.

14. The overall amount staked across the 4 seasons was £2,826.18. The returns on this were £2,882.60. This led to a net total profit of £56.42. On analysis of the betting accounts it was clear there were numbers of aggravated bets and that there were 21 bets involving AB's own club with 2 spot bets involving AB's own club and 3 bets on his club to lose.

15. AB admitted the charges and requested that the case be dealt with at a personal hearing.

The FA Betting Rules

16 It is appropriate at this stage to set out by reference to the FA's Sanction Guidelines, the various types of bets which are prohibited in ascending order of seriousness, and the sanction guidelines themselves, which clearly envisage consideration where appropriate of a financial penalty as well as a 'sports sanction':

- 1) Bet placed on any aspect of any football match, anywhere in the world, but not involving participant's club competitions
Sanction – warning/fine; suspension 'n/a'
- 2) Bet placed on participant's competition but not involving his club
[including spot bet]
Sanction – fine; suspension n/a where participant has no connection with the club bet on.
- 3) Bet placed on own team to win
Sanction – fine; suspension 0-6 months to be determined by factors below
- 4) Bet placed on own team to lose

Sanction – fine; suspension 6 months – life to be determined by factors below*

- 5) Bet placed on Particular occurrence(s) not involving the player who bet (spot bet)

Sanction – fine; suspension between 0 to 12 months.

17. The Guidelines continue : *The factors to be considered when determining appropriate sanctions will include the following:

- i Overall perception of impact of bet[s] on fixture/game integrity;
- ii Player played or did not play;
- iii Number of bets;
- iv Size of bets;
- v Facts and circumstances surrounding pattern of betting;
- vi Actual stake and amount possible to win;
- vii Personal circumstances;
- viii Previous record [any previous breach of betting rules will be considered as a highly aggravating factor]
- ix Experience of the participant;
- x Assistance to the process and acceptance of the charge.

18 As noted in the Appeal Case of *The Football Association and Chris Maguire*, whilst the Guidelines are not intended to override the discretion of Regulatory Commissions to impose such sanctions as they consider appropriate having regard to the particular facts and circumstances of a case, the Guidelines state clearly that *‘in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic[s] which justifies a greater or lesser sanction’*.

19. They continue: *‘The assessment of the seriousness of the offence will need to take account of the factors set out above’*. And, after addressing the serious aggravating feature of betting against one’s own club or on the ‘contrivance’ of a particular situation therein, the guidelines continue *‘a further serious aggravating feature will be where the participant played or was involved in the match on which the bet was made’*.

20. Those are the Guidelines which the Commission was bound to take into account in deciding upon the appropriate sanction

Deliberation and Sanction

21. The Commission considers breaches of the FA's Betting Rules to be a serious matter. It is important that the FA's Betting Rules are upheld in order to protect the overall integrity of the game.

22. The Commission noted the FA's Sanction Guidelines and considered all of the factors that are set out in the Guidelines in order to come to a fair and proportionate sanction given the circumstances.

23. The first step the Commission undertook was to identify the category of breach according to the FA guidelines. It was clear that there were 3 occasions when AB had bet on his own team to lose **and** also he had placed 2 spot bets on a particular occurrence not involving the player himself. It follows that AB faced a fine sanction together with a potential sporting sanction of 6 months to life for the bets placed on his own team to lose whilst the spot bet sporting sanction was up to a 12 months' suspension.

24. Having identified that "entry point" in the FA guidance then the Commission were then required to look at the mitigating and aggravating factors listed in the guidance and noted at paragraph 17 above.

25. In deliberating on sanction, the Commission considered the total number of bets placed; the duration over which the bets had been placed; the amount of money staked; the pattern of bets (singles and/or accumulators); AB's

experience and assistance in the proceedings and the fact he had no previous misconduct offence of a similar nature on his record, covering the current season and previous five full seasons. The Commission noted that AB had stopped football betting on 7 July 2021 and that he did so upon learning of the FA betting rules. AB admitted the charge and in presenting at the personal hearing he was very professional and co-operative once again.

26. The Commission reminded itself of the FA guidelines to sanction which explicitly state:

“The assessment of the seriousness of the offence will need to take account of the factors set out above. A key aspect is whether the offence creates the perception that the result or any other element of the match may have been affected by the bet, for example because the Participant has bet against himself or his club or on the contrivance of a particular occurrence within the match. Such conduct will be a serious aggravating factor in all cases. A further serious aggravating factor will be where the Participant played or was involved in the match on which the bet was made.”

27. Whilst noting the historic nature of the betting between 2017 and 2021, the Commission considered that the Bet 203 where AB bet on his own team to lose and where he played in that fixture was a serious aggravating factor. Bet 203 was an accumulator bet rather than a single bet and the Commission considered this was not as serious as a single bet on his own team to lose as AB was not able to influence the overall betting outcome and rather only the game he played in. Nevertheless, this was still a serious breach. Taken together with AB’s spot bets and his general betting pattern as set out in the

betting schedules then the Commission viewed AB's infringements as serious, notwithstanding the small sums bet.

28. Having taken all the guidance into consideration the Commission felt that the following sanction was proportionate and appropriate in all the circumstances:

a. AB is banned from participating in football and all football related activities for 9 months.

a. AB is fined the sum of £ 350.00.

29. This decision is subject to Appeal in accordance with the FA's Rules and Regulations.

Jonathan Rennie

Regulatory Commission Chairman

28 August 2024