

Disciplinary Commission (“The Commission”)

On behalf of Manchester Football Association

In the matter of Bury FC (Case ID: 11476351M)

Decisions and Written Reasons

The Commission

1. These are the written reasons for the decisions of the Disciplinary Commission Chair who considered the above matter.
2. Nick Leale (Chair) deliberated on this case alone as Disciplinary Commission Chair, considering the case based on the papers provided.

The charges

3. Bury FC was charged by Manchester FA in respect of the following matters:

Charge 1: FA Rule 21.1 – failure to ensure spectators and/or supporters conducted themselves in an orderly fashion and did not use improper, offensive, violent, threatening, abusive, indecent, insulting, or provocative words and/or behaviour.

It was further alleged that the words and/or behaviour referred to race, disability and sexual orientation contrary to Rule 21.4.

This referred to the comments “paki”, “faggot”, “retard”, “spastic”, and ‘limp wrist gestures’ or similar.

4. The charges followed the alleged misconduct of Bury FC supporters at a match between Bury FC and West Didsbury & Chorlton FC in the North West Counties Football League Premier Division on 2nd September 2023.

Key background facts and evidence

5. The following is a summary of the key submissions provided to the Commission Chair. It does not contain reference to all the points or submissions made and the absence of any point does not mean that it has not been considered.
6. For the avoidance of doubt, the Commission Chair carefully considered all the evidence and materials in respect of this case.
7. Manchester FA received a report about events at the above match from 'Kick It Out' on 6th September 2023. In an e-mail received on that day from a Kick It Out Reporting Officer the evidence of two complaining individuals (who were present at the match) was presented in which there was reference to:
 - I. a Bury FC supporter repeatedly shouting "faggot" at an away supporter wearing a 'rainbow' shirt and also using the word "paki" towards another person in the stand.
 - II. Bury FC supporters making homophobic 'waving' (it is assumed 'limp wrist') gestures at away supporters.
8. Further evidence was received by West Didsbury & Chorlton FC representatives from a supporter of West Didsbury & Chorlton FC on 10th September 2023 stating that she had heard Bury FC supporters use the words "spastic" and "retard" towards supporters using the disabled facilities at the ground.
9. A summary of the other key evidence in the case appears below.
10. On 30th November 2023, Manchester FA notified Bury FC of the misconduct charge being brought against the club, as outlined above. On the same day, Bury FC pleaded guilty to the charges and asked for case to be considered on the papers.

Summary of further relevant evidence

11. The Commission Chair was also able to consider Bury FC's written submissions, which in summary stated that the club had imposed 'soft'

segregation at the fixture and that stewards were positioned where the two sets of supporters may be close to each other. The Club accepted the charge and was disappointed by the behaviour of the supporters involved, who had been suspended from attending matches at Bury FC while the police investigation continued. The Club employs a security firm to provide match day stewarding and match day planning always takes place in advance.

12. The Club has a CCTV system in operation at matches to assist with the identity of individuals involved in any misconduct and continues to issue posts on social media to reinforce the Club's commitment to inclusivity and diversity. There is now a flag to promote inclusivity and diversity on display at the stadium. There is now a new more effective segregation system in place when large number of away supporters are expected at the stadium. There have been no similar issues at the stadium since the events of 2nd September.

Decisions and reasons

13. The Commission Chair carefully considered all the written and oral evidence provided. The burden of proof rests with the County FA.

14. The standard of proof is the civil standard, the balance of probability. In simple terms, the Commission Chair must be satisfied, on the evidence, that it was more likely than not that an event had occurred.

15. The Commission Chair concluded that the Rule E21 charge and aggravated Rule E21.4 charge against Bury FC was proved. The club admitted the charge and the evidence of the words and gestures used by the Club's supporters was clear and undisputed. The evidence was clear that Bury FC supporters had repeatedly directed abusive and discriminatory comments at visiting supporters/others present at the match – as described above. The words and actions used were repeatedly abusive, indecent and discriminatory by their reference to race, disability and sexual orientation. A small number of supporters were involved but the behaviour was repeated numerous times during the course of the relevant match. The words were used in an aggressive way and coupled with intimidating, threatening and aggressive actions, including repeated offers to

right with visiting supporters. No proper action was taken to stop the behaviour or remove the relevant individuals from the stadium.

16. The Commission Chair was informed of Bury FC's offence history going back to the start of the 2018/19 season. There had been several relevant previous misconduct findings against that club in that period relating to spectator behaviour. Most significantly:

- I. Following events on 9th November 2021 the Club were fined £75 following a breach of FA Rule E20. Supporters had spat at the visiting goalkeeper and thrown beer on the pitch. This was recorded as the third incident of the season involving misconduct by Bury FC supporters.
- II. Following events on 27th March 2022 the Club were fined £65 following a breach of FA Rule E20. Supporters had repeatedly set off smoke flares.
- III. Following events on 2nd April 2022 the Club were fined £80 following a breach of FA Rule E20. Supporters had set smoke flares, thrown items onto the pitch and taken part in crowd disturbances.
- IV. Following events on 15th November 2022 the Club were fined £140 following an aggravated breach (ie involving discriminatory behaviour) of FA Rule E21. A spectator had described the assistant referee as a “gay boy” and “faggot”.
- V. Following events on 26th November 2022 the Club were find £190 following a breach of FA Rule E21. A supporter had used violent conduct towards opposition spectators.
- VI. Following events on 11th March 2023 the Club were fined £215 following a breach of FA Rule E21. Supporters threw a flare onto the pitch and invaded the field of play.
- VII. Following events on 28th March 2023 the Club were fined £165 following a breach of FA Rule E21. Supporters had attempted to strike the referee at the end of the match.

17. The Commission Chair concluded that the events of 2nd September 2023 at Bury FC were of the utmost seriousness, given the repeated poor behaviour of their supporters and the heavily discriminatory actions of their supporters at the

match in question. The conduct of their supporters was made significantly more serious by the numerous previous E20/E21 misconduct findings against the Club as detailed above in the period from November 2021.

18. Seven serious misconduct findings involving supporters in such a short space of time (prior to the subsequent events of 2nd September 2023) is truly exceptional. Sadly, for Bury FC, the poor behaviour has now escalated into a further finding of abusive behaviour that included discriminatory references. The Commission Chair was left with no choice but to substantially increase the seriousness of the sanction passed against the Club.

19. The Commission Chair decided to impose the following sanctions on Bury FC:

- I. A fine of £350 (reduced from the maximum due to the club's guilty plea).
- II. A two-match full stadium closure. This means that for two home matches, no spectators can be present at Bury FC's stadium. The stadium closures must occur on the date of the first two North West Counties League Premier Division matches to take place at the stadium after the receipt of the notification of this decision by Bury FC.

20. This decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Nick Leale (Chairman)

8th January 2024