

IN THE MATTER OF A REGULATORY COMMISSION

BETWEEN

THE FOOTBALL ASSOCIATION

and

MR HUW LAKE

WRITTEN REASONS OF THE REGULATORY COMMISSION

Regulatory Commission: Sally Davenport (Chair) – Independent Legal Panel Member

Tony Agana – Independent Football Panel Member

Gareth Farrelly – Independent Football Panel Member

Secretary: Michael O'Connor, Judicial Services Assistant Manager

Date: 25 March 2024

Venue: Held remotely via Microsoft Teams

Attending: Huw Lake, Participant Charged

Nick Parker, representing HL

Andrew Phillips, Regulatory Advocate, representing The FA

Tom Astley, Betting Investigator – The FA, observer

Introduction

1. These are the written reasons of the Regulatory Commission (“the Commission”) that considered the charge against Huw Lake (“HL”).
2. HL has been employed by Swansea City FC (“Swansea” or “the Club”) as its player liaison officer since December 2004. HL was identified by a betting operator as having potentially breached The FA’s betting rules. The operator shared the details of HL’s retail and account activity with The FA. The FA then checked with all UK-licensed betting companies and discovered that HL held five further betting accounts. The betting companies in question shared the details of HL’s account activity with The FA. HL had used the various accounts to place a total of 2,325 football-related bets over seven seasons. In addition HL had placed 151 retail bets in a betting shop in Swansea.

The Charge

3. By letter dated 28 November 2024, The FA charged HL with misconduct under FA Rule E1.2 in respect of 2,476 football-related bets made between 3 April 2018 and 24 September 2023.
4. It was alleged that each bet was a separate breach of FA Rule E8. The particulars of the allegations were as follows:

2017/18 Season – Bets placed in breach of FA Rule E8 FA Handbook p120-122

HL placed 111 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 3 April 2018 and 31 July 2018 while he was a participant at Swansea.

- 79 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

- 32 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2018/19 Season – Bets placed in breach of FA Rule E8 FA Handbook p115-116

HL placed 437 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 1 August 2018 and 31 July 2019 while he was a participant at Swansea.

- 291 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 146 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2019/20 Season – Bets placed in breach of FA Rule E8 FA Handbook p116-117

HL placed 460 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 26 October 2019 and 31 July 2020 while he was a participant at Swansea.

- 336 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 124 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2020/21 Season – Bets placed in breach of FA Rule E8 FA Handbook p120-121

HL placed 991 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 1 August 2020 and 31 July 2021 while he was a participant at Swansea.

- 697 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 294 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2021/22 Season – Bets placed in breach of FA Rule E8 FA Handbook p126-127

HL placed 248 bets on football matches, in breach of FA Rule E8.1, between 1 August 2021 and 31 July 2022 while he was a participant at Swansea.

- 151 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 97 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2022/23 Season – Bets placed in breach of FA Rule E8 FA Handbook p142-144

HL placed 200 bets on football matches, in breach of FA Rule E8.1, between 21 August 2022 and 5 July 2023 while he was a participant at Swansea.

- 140 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 60 of the bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

2023/24 Season – Bets placed in breach of FA Rule E8 FA Handbook p144-145

HL placed 29 bets on football matches, in breach of FA Rule E8.1, between 1 August 2023 and 24 September 2023 while he was a participant at Swansea.

- 28 of these bets were placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.
- 1 of the bets was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition in which his club and/or he was participating.

The Response

5. On 16 January 2024, HL submitted a Disciplinary Proceedings Reply Form, admitting the charge and asking for a personal hearing. HL also submitted the following documents:

- Written submissions from Berry Smith LLP, HP's solicitors, dated 17 January 2024
- HL's witness statement dated 16 January 2024
- A statement from Alan Curtis, former Swansea player and manager, dated 29 December 2023
- A statement from John Hartson, former professional footballer, dated 5 January 2024
- A statement from Roberto Martinez, former Swansea manager, dated 26 December 2023

- [REDACTED]

The Rules

6. FA Rule E8.1 states:

“A Participant shall not bet, either directly or indirectly, or instruct, permit, cause or enable any person to bet on –

E.8.1.1 the result, progress, conduct or any other aspect of, or occurrence in, a football match or competition;”

The FA’s Evidence

7. The following documentary evidence was relied upon by The FA in support of its case and was sent to HL along with the charge letter:

- Witness statement of Tom Astley (“TA”), Betting Integrity Investigator at The FA, dated 31 October 2023
- Exhibit TA/1 – Full list of online bets attributed to HL
- Exhibit TA/2 – Full list of retail bets attributed to HL
- Exhibit TA/3 – Schedule of bets placed in Season 2017/18
- Exhibit TA/4 – Schedule of bets placed in Season 2018/19
- Exhibit TA/5 – Schedule of bets placed in Season 2019/20
- Exhibit TA/6 – Schedule of bets placed in Season 2020/21
- Exhibit TA/7 – Schedule of bets placed in Season 2021/22
- Exhibit TA/8 – Schedule of bets placed in Season 2022/23
- Exhibit TA/9 – Schedule of bets placed in Season 2023/24
- Exhibit TA/10 Schedule of bets placed on competitions in which HL’s club was entered
- Exhibit TA/11 – Schedule of bets placed on or against HL’s club
- Exhibit TA/12 – Schedule of bets placed against HL’s club
- Exhibit TA/13 – Schedule of spot bets placed by HL
- Exhibit TA/14 – Official Swansea Twitter account tweet confirming Starting XI v Luton Town on 1 February 2022
- Exhibit TA/15 Letter from The FA to Swansea dated 20 September 2023
- Exhibit TA/16 Letter from Swansea to The FA dated 21 September 2023
- Exhibit TA/17 Screenshot of HL’s duties as listed in this contract of employment, provided to The FA by Swansea on 23 October 2024

- Exhibit TA/18 Interview with HL dated 23 October 2023
 - FA Rule E8 (p.120-122) *The FA Handbook 2017-18*
 - FA Rule E8 (p.115-116) *The FA Handbook 2018-19*
 - FA Rule E8 (p.116-117) *The FA Handbook 2019-20*
 - FA Rule E8 (p.120-121) *The FA Handbook 2020-21*
 - FA Rule E8 (p.126-127) *The FA Handbook 2021-22*
 - FA Rule E8 (p.142-144) *The FA Handbook 2022-23*
 - FA Rule E8 (p.144-145) *The FA Handbook 2023-24*
 - The FA's Betting Sanction Guidelines
8. In short, it was The FA's case that, over seven seasons, HL had placed 2,476 bets, with the total amount staked across those seven seasons amounting to £91,957.71. The returns on the amount staked were £84,520.15, resulting in a total net loss of £7,437.56.
9. In his witness statement, TA provided a season-by-season breakdown of HL's bets. His detailed analysis of the data revealed a total of 754 bets that included games in competitions in which Swansea participated during the relevant seasons. 212 of those bets involved Swansea, of which 130 were bets on Swansea to lose. TA provided a detailed breakdown of some of the bets, including two spot bets placed by HL that related to Swansea players.
10. HL's response to these allegations is primarily to be found in his interview of 23 October 2023, in his witness statement and in the written submissions from his solicitors.
11. In the interview on 23 October 2023, TA took HL through his involvement in football and his job with Swansea and discussed the bets that he had placed over the seven seasons. During the interview HL stated, inter alia, the following:
- He accepted that all the betting accounts were his and that he had placed the bets. He gambled on football and horseracing.

- He knew that he should not bet on football. There was a sign in the changing rooms at the Swansea training ground saying no betting and he received text messages from Swansea each season reminding him that gambling was not permitted. He knew that there were meetings every season about gambling, but he had never attended one.
- He gambled due to boredom. It started after he lost his parents.
- It came as a huge shock when he was told how much money he had gambled over the years. He always gambled within his means. He had never had to stretch himself financially to place the bets.

█ [REDACTED]

[REDACTED]

- He never used specific knowledge from his position at Swansea when placing bets.
- He could not say how often he had bet on Swansea. He accepted that he had bet on Swansea to lose, but could not say why he had done so.
- He could not remember why he had placed the two spot bets that he was asked about. In relation to the first one, he said that he definitely had not had any information about who would be playing when he placed the bet. In relation to the second one, a bet on [REDACTED] of Swansea to score [REDACTED] [REDACTED] his initial response was *“well, I must have known, obviously that he might be playing, so therefore I must’ve just put him in”*. Having said that he could not remember the bet in question and in response to further questions, he said that *“he must have known that he’s starting”*, adding that he thought he would have found out because he was dropping people off at the Club or because someone had told him. He said that he would go back and forth to the training ground several times a day and he might have known the line-up the day before the game.
- He did have concerns about what he was doing, but thought he could get away with it. He was aware of recent high profile investigations but just couldn’t stop betting.

Statements and Report provided by HL

12. As stated in paragraph 5 above, HL provided a written statement along with statements from people who had worked with him [REDACTED]

HL's Statement

13. In his statement, HL explained his background and how he came to be involved with Swansea. He stated that the Club suspended him on 26 September 2023 when this matter came to light and that he remained suspended. He described his role within the Club, providing support for management, players and their families. He said that he was relied on for his discretion. He kept his betting secret. He denied using information obtained as part of his job to place bets. He said that upon reflection, he did not think he had specifically known that [REDACTED] would be playing in the game against Luton when he placed [REDACTED] saying that he "*would have assumed that to be the case as he was* [REDACTED] [REDACTED] He had not bet since his gambling came to light and did not intend to do so. [REDACTED] [REDACTED] He was ashamed of his actions and very sorry for breaching the rules.

Statement from Alan Curtis

14. AC said that he has known HL since he was 16, speaking of him as a "*vital link between the players and coaching staff and the club*". He referred to HL's strong reputation in the game and the help and support that he provided to other people.

Statement from John Hartson

15. JH said that he had met HL when his son was part of the Swansea academy and that HL had become a good friend to him. He said that HL was well-known as a face of the Club, describing him as "*one of life's good guys... very genuine person*".

Statement from Roberto Martinez

16. RM worked with HL when he was the Swansea manager. He referred to HL as very professional and reliable and a “*very kind human being*”. He described him as “*the human face of the Club*”.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Written Submissions

18. As stated in paragraph 5 above, HL provided written submissions prepared by his solicitors together with his response to the charge. The FA provided written submissions dated 15 February 2024 ahead of the hearing.

The Hearing

19. In advance of the hearing the Commission read the documentation provided to it, including the statement and submissions. As HL had accepted the charge, the Commission treated it as proven. The purpose of the hearing was to consider sanction and the mitigation put forward by HL.

20. Paragraphs 9, 12 and 13-17 above and paragraphs 25-29 below summarise the evidence and submissions provided to the Commission. They do not purport to cover all the points made. The absence of a point or submission in these reasons should not imply that the Commission did not take that point or submission into account when determining the case. For the avoidance of doubt, the Commission carefully considered all the material before it.

21. Before the Commission heard from the advocates, the Secretary confirmed that HL's five-year disciplinary record showed no previous breaches of FA Rule 8.
22. The Commission heard submissions from Andrew Phillips ("AP") on behalf of The FA, followed by Nick Parker ("NP") on behalf of HL. It also permitted HL to address the Commission directly. The Commission asked questions in order to clarify the parties' respective positions on sanction.
23. Both AP and NP adopted their written submissions. The Commission is grateful to both advocates for their assistance. The parties' submissions are summarised briefly below. To avoid repetition, these reasons deal with the written and oral submissions together.

The FA's Submissions

24. The FA provided comprehensive written submissions to which AP spoke at the hearing. He addressed HL's role at Swansea, his knowledge of the betting rules, the bets that HL had placed, the sanction guidelines and the aggravating and mitigating factors that the Commission should take into account. Particular emphasis was placed on the following points:

- HL's role within Swansea was an important factor. While he was not frontline, he was a well-known contact for staff and players, the "go-to man" for everything. He would have access to information not in the public domain.
- HL was aware of the betting rules.
- The 130 bets placed on Swansea to lose made this a very serious case, placing it in the six months to life sanction bracket.
- There was an error in the table in paragraph 16 of NP's written submission and TA had provided a further statement by way of clarification.
- Using insider knowledge was also a very serious matter which would again bring the offender within the six months to life bracket. There was a dispute as to whether HL had used insider information when placing [REDACTED] In its written submissions The FA submitted that the use of inside information relating to that bet

was plainly established to the requisite standard. In his oral submissions AP said that in light of the fact that the bets placed against his own team meant that HL was already within the most serious bracket, The FA was not particularly concerned about this point.

- Aggravating factors included the fact that HL was an experienced participant with knowledge of the rules, the duration of the betting (over seven seasons), the large number of bets and the total amount staked, along with the overall perception of someone heavily involved in Swansea betting on games that Swansea was involved in. The fact that HL had placed Swansea 130 bets on Swansea to lose was the most serious aggravating factor.
- HL's full cooperation and overall financial loss were mitigating factors. [REDACTED]
[REDACTED]
[REDACTED]
- Given the nature of the bets, a six month suspension and a fine was the entry point. In this case a suspension significantly higher than six months was appropriate, as was a financial penalty.
- A Commission may only suspend any part of the sanction if there are clear and compelling reasons to do so.

25. Asked by the Commission about the relevance of the fact that HL had been suspended by Swansea, AP said that this was a collateral matter. External consequences should not form part of the sanction, otherwise the process would be skewed.

HL's Submissions

26. Before hearing NP's submissions, the Commission heard directly from HL. HL confirmed that he was still suspended by Swansea [REDACTED]
[REDACTED] He apologised to The FA for his actions. [REDACTED]
[REDACTED] He was shocked when he was called into the office at work and told that The FA had been in touch with the Club. He broke down at home. [REDACTED]

[REDACTED]

27. In his written submissions, NP covered HL's role at Swansea, his betting history, the classification of the bets that HL had placed and the factors that the Commission should take into account when arriving at the appropriate sanction. NP requested that the time that HL had spent on suspension from his job with the Club should be taken into account when determining the sanction and that a suspended sentence would be appropriate, [REDACTED]

28. In his oral submissions NP agreed that he had made an error in the table summarising the classification of the various bets and accepted that TA's version was the correct one. He expanded on his written submissions, emphasising the following points:

- HL was not frontline. He was not a player. He did not have a senior role within the Club. He could not influence matches.
- HL should be given the benefit of the doubt in relation to the Obafemi Bet. When he made his comments in interview he had simply been trying to cooperate with The FA. HL would have access to confidential information in the course of his job and there was no evidence that he had ever sought to take advantage of that.
- The vast majority of the bets were for sums under £100, with many being for £20 or less.
- The key reason for HL's betting was boredom. He had not attempted to conceal his identity when betting.

[REDACTED]

- HL had cooperated fully with The FA. He had a clean record. He had provided statements from eminent individuals within football attesting to his good character.

█ [REDACTED]
█ [REDACTED] He had not bet since September 2023 and was determined not to do so in the future.

- HL has been cut off from Swansea for six months. A lengthy suspension could have serious consequences for his future employment.
- HL's suspension by the Club should be taken into account. NP's primary submission was that the six months during which HL had been suspended by Swansea should be treated as part of the sanction and that no further suspension was appropriate. If a further period of suspension was deemed necessary, that suspension should be suspended. Alternatively it should be for no more than three additional months.
- Given HL's age and lack of skills, if he were to lose his job he would find it hard to find other employment, both within football and in any other area.
- In terms of financial penalty, the fine should take account of HL's relatively modest earnings. HL had managed to save money over the past six months as he was no longer gambling, and he was prepared to use those savings to pay the fine.

The Commission's Decision

29. Given that HL had bet on his own Club to lose, the Commission accepted that the case fell within column four of the guidelines, meaning that it had to consider a suspension of six months to life. As there were 130 bets falling within that category, it accepted The FA's submission that this was a very serious case that warranted a sanction of more than six months.

30. The Commission did not consider that HL's gambling impacted negatively on the integrity of football to any great extent. Nonetheless, HL had placed a large number of bets over an extended period of time, including a number of bets on his own club to lose. He was placing those bets against his own club at the same time as working closely with the Swansea players on a day-to-day basis. This was an aggravating factor.

31. As far as [REDACTED] was concerned, in light of The FA's stance the Commission did not feel compelled to make a finding on this point. However, in view of the circumstances at the time of the bet, the low amount staked and the absence of any other evidence of insider information being used, it accepted the submissions from NP and did not treat [REDACTED] as an aggravating factor when determining sanction.
32. The Commission gave credit for HL's assistance during the process, for his acceptance of the charge and for the fact that he had no previous record. It accepted that HL was genuinely remorseful. It also noted that HL had not placed a bet on football for several months [REDACTED]
[REDACTED] It noted that individually the bets were for the most part for relatively modest sums (albeit that the highest bet was £500), that many of them were accumulators and that HL had not made a profit from betting.
33. The Commission noted NP's submission at paragraph 39 of the written submissions that it was not bound to follow the sanction guidelines. The Commission accepted that it had a discretion, but noted that the guidelines clearly state that in the interests of consistency a Commission should apply the guidelines unless there are particular characteristics of the case that justify a departure from them. The Commission did not consider there to be any particular characteristics that would justify a sanction of less than six months in this case. It rejected the suggestion that HL should be treated as having served the sanction, or part of it, already because he had been suspended by Swansea.
34. Weighing up all the above factors, the Commission decided that a sanction of twelve months was appropriate. It then moved on to consider the request to suspend, noting that Regulation 44 requires clear and compelling reasons for suspending the penalty. It noted that the twelve month suspension that it was imposing would mean that HL would be suspended from his role at Swansea for 18 months in total. It accepted that Swansea as an employer was unlikely to keep HL on paid suspension for a further twelve months and that there was a real risk that HL would lose his job and struggle to find another one. In all the circumstances of the case the

Commission decided that this was a clear and compelling reason to suspend the sanction. Given the seriousness of the offence, the Commission was not persuaded to suspend the whole of the sanction, but in light of the mitigating factors set out above, in particular the fact that H [REDACTED] and was no longer gambling, it was prepared to suspend nine months of the sanction.

35. The Commission also decided to impose a financial penalty. HL had provided details of his income from football and also indicated through NP that he had saved money over the past few months because he was no longer betting. While NP suggested that HL was prepared to use those savings to pay the fine, the Commission decided in all the circumstances that a more modest fine was appropriate.

36. The Commission considered whether to make any order for costs. It did not feel that HL should pay the full costs of the appeal, but decided that it was appropriate to order him to make a contribution towards the costs of the personal hearing.

37. The Commission made the following order:

- HL must serve an immediate suspension from all football and football-related activity for twelve months, commencing on 25 March 2024. Three months of the suspension is to be served immediately, up to and including 26 June 2024. Nine months of the suspension is suspended until the end of the 2024-2025 season. In the event of any similar breach within that period, the suspended period of suspension will be activated with effect from the date of the final determination of the proceedings before the Regulatory Commission dealing with the new breaches, in addition to any penalties imposed for the new breaches.
- HL must pay a fine of £1,500.
- HL must make a contribution towards costs of £500.

Appeal

38. The decision of this Commission may be appealed in accordance with the Regulations.

Sally Davenport

Tony Agana

Gareth Farrelly

2 April 2024