

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

THE FOOTBALL ASSOCIATION

v

TOTTENHAM HOTSPUR FC

WRITTEN REASONS OF THE INDEPENDENT REGULATORY
COMMISSION

**Warning: This document contains reference to offensive and/or
discriminatory language.**

BRIEF INTRODUCTION

1. On 5 November 2024, Tottenham Hotspur FC ["THFC"] were charged with two breaches of FA Rule E21, emanating from a football match between themselves and Manchester United FC ["MUFC"], on 29 September 2024.
2. On 29 November 2024, THFC admitted the charge and requested that sanction be considered on the papers. On 18 March 2025, an independent Regulatory Commission ["RC"] was convened via MS Teams to consider the matter.

THE REGULATORY COMMISSION

3. The members of the RC were:
 - Lawrence Selby (Chair – Independent Legal Panel Member);
 - Peter Fletcher (Independent Football Panel Member);
 - Matt Williams (Independent Football Panel Member).
4. No objection was raised concerning the composition of the RC, which had the necessary experience in crowd management matters and previous crowd management disciplinary hearings.
5. The Secretary to the RC was Michael O'Connor, the FA Judicial Services Assistant Manager , whose assistance was greatly appreciated.

BRIEF BACKGROUND FACTS

6. On 29 September 2024 MUFC hosted THFC in a Premier League match. Following the fixture, The FA (a) received reports from Kick It Out; and (b) was aware of media reports, in relation to two incidents, during the match:

Incident 1 – 49th Minute

Prior to play restarting, following a foul by Mason Mount [MUFC] on Rodrigo Bentancur [THFC] the crowd begin to chant *“You know what you are, you know what you are, Chelsea rent boy, you know what you are.”* The free kick is then taken by Bentancur where the following can be heard again *“you know what you are, you know what you are”*, before being drowned out by another chant.

Incident 2 – 79th Minute

Around the 77th minute, Lucas Bergvall [THFC] takes a corner which Dominic Solanke [THFC] scores from. THFC Players proceed to celebrate the goal, and the broadcast shows replays of the goal.

In the 79th minute, the camera cuts back to live play with THFC winning an attacking throw in. THFC retain possession and Rodrigo Bentancur passes the ball to Pape Matar Sarr [THFC], when the crowd can be heard chanting *“Mik Arteta (Arsenal Manager) takes it up the arse, 60 million down the drain, Dom Solanke scores again”*.

This continues with *“Dom Solanke he’s fucking class, Mik Arteta takes it up the arse, 60 million down the drain, Dom Solanke scores again.”* This chant is repeated fully three more times. On the fourth occasion, the chant begins with *“Dom Solanke he’s fucking class, Mik Arteta”* before becoming inaudible.

[NB. This incident was repeated, in part, on social media, via an Instagram video uploaded to an account in the name [REDACTED].]

7. On 2 October 2024, The FA contacted THFC for its observations:

The FA are aware of two separate alleged discriminatory chants in/or around the 49th and 79th minute of the above fixture. The incidents are of concern to The Football Association and we require your detailed observations, which should include the following:

- details of your club's preparations for this match and measures to prevent misconduct by spectators, specifically in relation to the reported crowd incident;*
- any measures taken by your club once you became aware of the incident and the effect of these measures;*
- any actions taken to identify the perpetrators;*
- any actions taken against the perpetrators; and*
- any measures you intend to take to reduce the risk of such incidents involving the reported crowd incident from reoccurring*

Please note that your response will be considered as part of The Football Association's assessment as to whether disciplinary action should be taken in respect of this matter. In addition, in the event that such action is taken, the response could be used at any associated disciplinary hearing.

- 8. On 14 October 2024, THFC responded to The FA by attaching a report from their Safety Officer:*

Tottenham Hotspur's Safety Team contacted Manchester United in advance of our fixture (as is normal practice) and arranged to send 6 THFC Stewards to the match. There was no specific intelligence to suggest that there would be any behavioural problems from our visiting supporters. All of the THFC Stewards that travelled to Old Trafford are experienced and have attended away fixtures on several occasions.

Tottenham Hotspur were made aware of the alleged chanting via Proud Lilywhites on the day of the match and the Club also released a statement that same day that stated the chanting was "simply unacceptable, hugely offensive and no way to show support for the team".

<https://www.tottenhamhotspur.com/news/2024/september/club-statement-homophobicchanting/>

On Monday 30 September, Tottenham Hotspur's Safety Team contacted Manchester United's Safety Officer to see if any footage of the alleged incidents had been captured on CCTV or Body Camera. Manchester United responded later that morning and stated that nothing had been captured, which was obviously disappointing as we were hoping to have some footage to take forwards.

Our next away fixture was on Sunday 6th October v Brighton & Hove Albion. This fixture was again live on TV. We spoke with Brighton's Safety & Security Officer in advance of the match and made him aware of the chant. We agreed with him that if the chant (or similar) was heard to get as much footage and information as possible so that we could deal with the people involved. We also asked permission for one of our Stewards to bring their own Body Camera so that they could also capture anything of relevance. Brighton were fully supportive of the idea.

The Club also released a statement in advance of the match to inform supporters travelling to Brighton that we would be carrying out this operation. This seemed to have the right affect as nothing was heard on TV and the chant itself wasn't sung.

This is something that we will continue to proactively monitor with the support of the clubs that we will visit. We will also continue to educate our supporters and work with the FA and the Premier League to eradicate chants such as these from our fanbase.

9. It should be noted that, although the RC was provided with a bundle of some 360 pages (the entirety of which was considered and discussed), only parts of the bundle are reproduced in these Written Reasons.

CHARGES & PLEA

10. By letter dated 5 November 2024, The FA charged THFC with Misconduct for two breaches of FA Rule E21:

Charge 1:

It is alleged that in or around 45+4th minute of the fixture, Tottenham Hotspur FC failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the Match and do not use words or otherwise behave in a way which is improper, offensive, abusive, indecent, or insulting with either express or implied reference to sexual orientation, contrary to FA Rules E21.1 and E21.4.

Charge 2:

It is alleged that in or around 79th minute of the fixture, Tottenham Hotspur FC failed to ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the Match and do not use words or otherwise behave in a way which is improper, offensive, abusive, indecent, or insulting with either express or implied reference to sexual orientation, contrary to FA Rules E21.1 and E21.4.

11. By a Reply Form, signed and dated 29 November 2024, THFC admitted the charge and requested that the matter be dealt with by way of a paper hearing.
12. Accompanying the Reply Form were: (a) “Submissions on Behalf of the Club”; (b) sixteen Exhibits; and (c) three authorities - *FA v Leeds United FC* (10 August 2023); *FA v Wolverhampton Wanderers FC* (22 June 2023); *FA v Luton Town* (5 November 2023).

THE FA RULES

13. The relevant FA Rule provides:

Supporter behaviour

E21 A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) attending any Match do not:

E21.1 behave in a way which is improper, offensive, violent, threatening, abusive, indecent, insulting or provocative;

E21.2 throw missiles or other potentially harmful or dangerous objects at or on to the pitch;

E21.3 encroach on to the pitch or commit any form of pitch incursion;

E21.4 conduct themselves in a manner prohibited by paragraph E21.1 in circumstances where that conduct is discriminatory in that it includes a reference, whether express or implied, to one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

E21.5 it shall be a defence to a Charge in relation to Rules E21.1 to E21.3 (only) if a Club can show 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. However, when considering whether this defence is made out a Regulatory Commission will have regard to all relevant factors including:

- The extent to which the Club has discharged its duty;
- The severity of the issues involved;
- The extent to which similar issues have occurred previously in which case whether the Club took sufficient action in preventing further such incidences.

E21.6 For the avoidance of doubt Rule E21 shall apply to the conduct of both a Club's home and/or away supporters.

14. Although Rule E21.5 excludes a defence of 'due diligence' to a charge under Rule 21.4, it does not mean that 'relevant factors' should be ignored by the RC, when considering mitigation and sanction in relation to a charge under Rule 21.4.

SUBMISSIONS

Introduction

15. The following is a summary of the submissions considered by the RC.
16. As such, this document does not purport to contain reference to all the points made; however, the absence in these reasons of reference to any particular point or submission should not imply that the Commission did not take such point, or submission, into consideration.
17. For the avoidance of doubt, the Commission carefully considered all the submissions and materials provided and, in particular, how they applied to relevant factors to be considered when determining sanction – including:
- (a) The number of supporters involved;
 - (b) The nature of the behaviour of those involved;
 - (c) The duration of the incident(s);
 - (d) Whether THFC (and/or its officers):
 - i. took all reasonable steps in its preparation and planning for the fixture in which the Relevant Breach occurred;

- ii. took all reasonable steps in dealing effectively with the incident, when it arose;
 - iii. took all reasonable steps in identifying the supporter(s) involved;
 - iv. took sufficient action against those supporters responsible where those individuals were identified;
- (e) Whether THFC cooperated in full with The FA;
- (f) The previous disciplinary record of THFC or its Participants in relation to Aggravated Breaches or Relevant Breaches.

The FA's Submissions

18. In brief, The FA submitted, in a document dated 28 February 2025, that:

- Although not possible to identify how many supporters were involved, it could be safely inferred that both chants involved a substantial number of THFC supporters, even in the context of “mass” chanting”;
- In January 2023, Clubs had been informed that the ‘Chelsea Rent Boy’ chant was considered to amount to a breach of FA rules and formal disciplinary action could be sought against any Club whose supporters engage in such behaviour. This was in response to a prosecution by the Crown Prosecution Service, in which the chant was identified as a ‘Hate Crime’.
- The words used in respect of Charge 2, reference a negative attitude towards the LGBT+ community and were plainly intended to be abusive and/or insulting to a rival Participant, namely Arsenal FC’s manager - furthermore, the use of homophobic language was no more acceptable if used in support of a player/other Participant;
- The first chant lasted some 15 seconds; the second chant for about a minute – sufficient for both to be captured and reported;

- THFC could/should have done more, in preparing for the fixture – by way of example, no pre-match risk assessment, specific to the fixture, had been provided;
- Although THFC's post-match reaction was commendable, there was a concern that its stewards were not sufficiently well trained in how to deal with such matters, contemporaneously – said concern highlighted by the lack of any report(s)/statement(s) from any steward;
- Although the “away team” THFC's efforts to identify perpetrators had been hampered by the lack of evidence collated by its stewards;
- At the time of writing, none of the perpetrators were understood to have been identified;
- Although THFC had co-operated with The FA, little in the way of the documentary information, requested by The FA, had been provided;
- THFC had no relevant previous breaches;
- THFC had not, previously, been subject to an Action Plan.

THFC's Submissions

19. In brief, THFC submitted, including via (a) “Reply Submissions on Behalf of the Club”, dated 11 March 2025; attaching (b) a further three Exhibits, that:

- The Chants were sung by a number of THFC supporters and the Chants were discriminatory;
- Without in any way condoning the Second Chant and solely for the purpose of addressing this factor from the Guidance, it is noted that the Second Chant was a chant in support of one of the THFC's players (Dom Solanke), rather than a chant directed at an opposition player/employee;
- As the away team, there were limitations as to what THFC's stewards were able to do;

- THFC's preparation for the match complied with the Premier League Rules, in so much that it provided six qualified stewards for the game, in accordance with the regulations.
- Furthermore, the Club took the following steps to prepare for the Match:
 - Prior to the Match, THFC's Safety Officer had a call with his counterpart at MUFC to discuss the Match – this match was not considered high risk;
 - The THFC stewards were experienced stewards, who received ongoing training on incident reporting, hate crimes and dealing with discrimination;
 - The Club's Supporter Liaison Officer was also in attendance at the Match;
 - All of the Club's stewards attended Manchester United's pre-match briefing.
- Although THFC's stewards became aware of the chants, during the match, as away stewards there was a limited amount they could do, at the time;
- THFC contacted B5 Consultancy, for assistance in identifying the Instagram account holder;
- Post match (on the same day), THFC put out a statement condemning the chanting; emphasising its close work with the police; and seeking assistance in identifying the perpetrators (while providing a confidential email for any reports to be made);
- Following the match, THFC's enquiries of MUFC confirmed that there was no CCTV or body camera material, covering the incidents;
- THFC strongly condemned the actions of the perpetrators, whose behaviour was not reflective of the clubs' values;
- THFC was proud of its work with Proud Lilywhites, over the last 10 years, which accurately reflected its commitment to diversity and inclusion;

- The club had been proactive in liaising with Brighton and Hove Albion FC, in advance of its next away match, to see what steps could be taken to avoid any repeat of this misconduct – these steps were successful, as there had been no repeat;
- The Board had agreed that stewards would wear body cameras at all away matches, unless the home team objected;
- Steps would be taken to reiterate the Club's zero tolerance stance towards discrimination, and particularly before all 'high risk' matches;
- THFC would continue its close work with Proud Lilywhites and invite them to any pre-match safety meeting when there is intelligence that indicates a risk of discriminatory behaviour;
- A financial penalty at the lower end of the scale was appropriate, as this case was distinguishable from the authorities.

FINDINGS

20. In all the circumstances, the RC found that:

- The misconduct was aggravated by the fact that there had been two, separate incidents of chanting;
- The chants were, particularly, harmful, given their nature and contents;
- This harm was aggravated by the fact that this was a Premier League match, televised live to a worldwide audience;
- On balance, it was not persuaded that THFC had taken all reasonable steps in:
 - Its preparation and planning for the fixture;
 - Dealing effectively with the Incident;

- Trying to identify those responsible;

By way of examples:

- no pre-match risk assessment had been provided by THFC;
- no evidence of any briefing/guidance, given to the THFC stewards by the Club prior to departure for the fixture, was provided;
- the risk assessment, for the return fixture on 16.02.25 and provided as evidence of progress, appeared generic and non-specific – for example, it referenced Manchester City, rather than MUFC [cf. pages 237 and 238 of the Bundle];
- there were no reports or statements from the THFC stewards, in attendance at the game;
- THFC's communications to supporters, pre, post and during the match, could have been better;
- in light of Mason Mount's connection to Chelsea, THFC provided no evidence of any steps taken, following the January 2023 missive from The FA, to prevent such chanting, and/or how it would deal with it;
- THFC had co-operated with the FA – albeit relevant documentation (eg. The pre-match risk assessment) had not been provided, and ought to have been;
- THFC had admitted the charge;
- THFC had no relevant previous breaches;
- THFC had not, previously, been subject to an Action Plan.

21. Accordingly, the RC determined that THFC's culpability was medium, and the nature of the harm was between medium and serious.

SANCTION

22. In light of these findings, and having particular regard to the appropriate FA guidelines and authorities, the RC came to the unanimous decision that, in all the circumstances of this case, and having considered all its available options, the appropriate sanction was:

- i. An Action Plan (as set out in the accompanying Appendix);
- ii. A fine of £150,000;
- iii. THFC is formally warned as to future conduct.

23. In addition, THFC are ordered to pay the costs of the RC.

APPEAL

24. This decision is subject to the right of appeal under the relevant FA Rules and Regulations and THFC should be informed of the same.

Signed:

19 March 2025

A handwritten signature in black ink, appearing to be 'Lawrence Selby', written in a cursive style.

Lawrence Selby

[for and on behalf of the Commission]