

NON-PERSONAL HEARING

THE FOOTBALL ASSOCIATION

and

PRESTON NORTH END FC

THE DECISION AND REASONS
OF THE FA REGULATORY COMMISSION

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Introduction

1. On 10 May 2015, Preston North End FC (“Preston North End”, the “Club”) played their Football League One Play-Off Semi-Final Second Leg home fixture against Chesterfield FC (“Chesterfield”) at Deepdale with a kick-off time of 12.15pm – (collectively the “match”).
2. The appointed Match Referee was Mr Andy D’Urso and the Match Assessor was Mr Brian Curson.
3. The Match Referee and the Match Assessor reported a mass pitch invasion by supporters of Preston North End after the final whistle. Due to the volume of people entered the playing area from all sections of the ground, it was difficult for the players to reach the dressing room area at this time. The Match Referee was advised by Mr Ian Evatt, a Chesterfield player, that he was punched, kicked and spat at by some supporters of Preston North End during this pitch invasion.
4. On 11 May 2015, The Football Association (“The FA”) commenced an investigation into the reported incidents.

The Charge

5. On 05 June 2015, The FA charged Preston North End with misconduct for a breach of FA Rule E20 (the “Charge”).
6. The FA alleged that Preston North End failed to ensure that its spectators and/or persons purporting to be its supporters or followers, whilst attending the match, refrained from provocative and/or abusive and/or threatening and/or violent behaviour.
7. The FA Rule E20 (p. 119 of the FA Handbook Season 2014-2015) states:

“Each Affiliated Association, Competition and Club shall be responsible for ensuring:

(a) that its directors, players, officials, employees, servants, representatives,

spectator, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; and

- (b) *that no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles, or other potentially harmful or dangerous objects at or on to the pitch.”*

8. The FA advised the Club that:

“Without prejudice or limitation, in so far as the Club may call upon the defence set out at Rule E21, The Association will say that the Club failed to discharge its duty in respect of due diligence in that, having identified a risk of pitch incursion, the Club failed:

- (a) *To put in place an appropriate strategy to protect players and/or match officials in the event of a pitch incursion; and/or*
- (b) *To provide a sufficient number of stewards to protect players and/or match officials in the event of a pitch incursion; and/or*
- (c) *To protect players and/or match officials from the risk of harm in the event of a pitch incursion.”*

9. The FA Rule E21 (p. 119 of the FA Handbook Season 2014-2015) states:

“Any affiliated Association, Competition or Club which fails effectively 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 by spectators and all persons purporting to be supporters or followers of the Club, if it 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.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability."

10. The FA enclosed, the following evidence that it intended to rely on:
 - 10.1. Report of the Match Referee, Mr A. D'Urso, dated 11 May 2015;
 - 10.2. Report of the Match Assessor, Mr B. Curson, dated 11 May 2015;
 - 10.3. Letter from Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, to Mr B. Rhodes, Club Secretary of Preston North End, dated 11 May 2015;
 - 10.4. Letter from Mr B. Rhodes, Club Secretary of Preston North End, to Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, dated 14 May 2015;
 - 10.5. Letter from Mr T. Shamel, Head of On-Field Football Regulation of The FA, to Miss S. Swain, Club Secretary of Chesterfield, dated 11 May 2015;
 - 10.6. EMail from Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, Mr B. Rhodes, Club Secretary of Preston North End, dated 15 May 2015;
 - 10.7. EMail from Mr B. Rhodes, Club Secretary of Preston North End, to Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, dated 20 May 2015;
 - 10.8. Match Report of Mr D. Lewis, FA Crowd Control Advisor, undated;
 - 10.9. Video clips of the incidents, accessible by following the link EMailled to

the Club Secretary; and

10.10. Report of Mr C. Whalley, Senior Manager, Stadia Safety and Security of The FA, dated 04 June 2015.

11. The Club was required to reply to the Charge by 16 June 2015.

The Club's Provisional Response

12. On 03 July 2015, the Club submitted a provisional response to The FA via Mr Matthew Chantler, Senior Associate of Mills & Reeve LLP, solicitor on behalf of the Club (the "Provisional Response").

13. In this Provisional Response, Mr Chantler set out various explanations and invited The FA to withdraw the Charge or to agree that the Club can fully rely on FA Rule E21 (the defence).

14. Mr Chantler added that *"should the FA still wish to proceed with a misconduct charge, which is denied, the FA is requested to set out the specific criticism of the Club so that the panel, if appropriate, appreciate the very limited criticisms that the FA rely upon."*

The FA's Reply to the Provisional Response

15. On 21 July 2015, The FA responded via Mr Dario Giovannelli, The FA's Senior Regulatory Legal Advisor, that The FA maintained its position in respect of the Club's conduct as set out in the charge letter dated 05 June 2015 and the specific criticisms of the Club were as set out in:

(i). the Report of Mr Chris Whalley, dated 04 June 2015; and

(ii). the witness statement of Mr Chris Whalley, dated 20 July 2015.

16. The FA served the following further evidence that it relied upon:

16.1. Witness statement of Mr Chris Whalley, dated 20 July 2015; and

16.2. SKY footage of the match (in full) to which Mr Whalley refers, and

downloadable via the link provided.

The Club's Final Response

17. On 02 October 2015, the Club submitted a duly completed Reply Form via Mr Chantler denying the Charge, declined an opportunity to attend a Commission for a personal hearing, and requested the case to be dealt with at a paper hearing on the content of the documents served upon the Club and any documentation the Club supplied to The FA with the Reply Form (collectively the "Final Response").
18. The Club included the following documents:
 - 18.1. Letter from Mills & Reeve LLP, dated 25 August 2015;
 - 18.2. Witness statement of Mr Mark Farnworth, Ground Safety Officer at Preston North End, undated (but the footnote of the document appeared to indicate 06 August 2015);
 - 18.3. Witness statement of Police Inspector Stephen Evans of Lancashire Constabulary, Police Match Commander for the match, dated 29 July 2015;
 - 18.4. Witness statement of Mr John Newsham, Director of JN RMC Limited (Risk & Safety Management Consultants), undated; and
 - 18.5. CCTV video clips of the match.

The Regulatory Commission

19. The following members were appointed to the Regulatory Commission ("the Commission", "We/us") to hear this case:

Mr Thura KT Win JP (Chairman);

Mr Peter Fletcher; and

Mr Brian M Jones.

Mr Robert Marsh, The FA Judicial Services Manager, acted as Secretary to the Commission.

The Hearing & Evidence

20. We convened at 2.00pm on 26 October 2015 at Wembley Stadium for this Non-Personal / Paper Hearing (the “Hearing”).
21. We had read the bundle of papers prior to the Hearing and viewed the video clips provided a number of times and at different speeds.
22. We noted that, with the Charge, The FA had alleged “*Preston North End failed to ensure that its spectators and/or persons purporting to be its supporters or followers, whilst attending the match, refrained from provocative and/or abusive and/or threatening and/or violent behaviour*” (in para 6).
23. As this was an allegation of a breach of FA Rule E20, we were aware of the FA Rule E21 defence available to the Club. In summary, The FA had appeared to have accepted that the Club could have a defence under FA Rule E21, with the exception of:

“having identified a risk of pitch incursion, the Club failed:

 - (a) *To put in place an appropriate strategy to protect players and/or match officials in the event of a pitch incursion; and/or*
 - (b) *To provide a sufficient number of stewards to protect players and/or match officials in the event of a pitch incursion; and/or*
 - (c) *To protect players and/or match officials from the risk of harm in the event of a pitch incursion”* (in para 8).
24. We noted that Mr Ian Evatt, a Chesterfield player, was alleged to have been assaulted by some supporters of Preston North End during this mass pitch invasion.
25. In its Provisional Response, along with general submissions, the Club stated that the only specific criticisms The FA was pursuing was that “*the Club:*

- (a) *failed to identify the risk to [Mr Evatt]; and*
- (b) *did not assist [Mr Evatt], in relation to the incident, in a timely manner."*

and the Club provided the explanations in regards to the above.

26. In response to the Club's Provisional Response, The FA maintained its position in respect of the Club's conduct as set out in the charge letter dated 05 June 2015 and the specific criticisms were as set out in the Report of Mr Whalley, dated 04 June 2015, and the witness statement of Mr Whalley, dated 20 July 2015 (in para 15).
27. In its Final Response, the Club denied the Charge and maintained that The FA had "*acknowledged that the Club can rely upon FA Rule E21 defence except for the following specific criticisms:*
- 1. *Failure to identify the risk to the welfare of Ian Evatt; and*
 - 2. *To respond accordingly."*
- and, the Club concentrated their submissions on their defence, together with supporting evidence, for the above two points.
28. We did not have any evidence from the Club, or The FA, on the assertion from that Club that The FA had acknowledged the Charge and the allegations were solely on the incidents with Mr Evatt.
29. Whilst we acknowledged that Mr Whalley's Report and witness statement included the lack of protection afforded to Mr Evatt, which led to the resulting assault, it was not the only criticism on the Club. We were satisfied that Mr Whalley's Report and witness statement, which The FA was relying on, also included the wider issues in support of the Charge.
30. From our reading and understanding of the Charge, and Mr Whalley's Report of 04 June 2015, the allegations related to the protection of players and match officials in the event of a pitch incursion – in a plural sense and not just only for a single or named player. Mr Whalley's witness statement of 20 July 2015 was

centred on the incidents involving Mr Evatt only.

31. We, therefore, decided to consider the matters before us to be relating to the protection of all players and match officials in the event of a pitch incursion.
32. The Club stated, in Mr Rhodes' letter of 14 May 2015, that the Referee was briefed earlier on the match day that *"a celebratory mass pitch invasion would follow if Preston won at any stage within 90 minutes, extra-time or penalties and to take penalties at the [Bill Shankly Kop end] would make it more difficult to get the players and officials from the pitch. It was also pointed out that the vast majority of both clubs' risk supporters would be at the Bill Shankly Kop end."*
33. It was the stated plan of the Club that:
 - 33.1. *"As it was virtually impossible to stop the mass pitch invasion, priority would be given to get the players and officials from the pitch and to prevent rival groups of supporters causing disorder on the pitch"; and*
 - 33.2. *"Should we have had a pitch invasion at final whistle stewards were then to move off pitchside cordons to default positions. They were:*
 - To boost the cordon around the tunnel to get players / officials off safely*
 - To assist players / officials to get off the pitch safely*
 - To provide a secondary cordon in front of the away support and place distance between sets of supporters to prevent disorder*
 - To ensure the safety of spectators and club staff".*
34. The Club explained that *"Preston supporters were in celebratory mood because of their team had won they would use any means to enter the pitch"*, that, despite tannoy announcements to discourage them, around 3,000 people entered the pitch in a very short time, that *"other than the reported assault on Mr Evatt, no other assaults or disorder occurred in the stadium and there were no injuries as a result of the pitch invasion"*, and that *"eventually all players left the pitch."*
35. In his Report of 04 June 2015, Mr Whalley included the following:

- 35.1. *“So if the match invasion by home supporters could not be prevented, given the club’s stated aim to protect the players and officials, could the club have done more specifically in that regard?”* (para 58 of Mr Whalley’s Report);
- 35.2. *“We know from the club’s email dated 20th May that a team of 24 stewards was deployed to boost the cordon at the players’ tunnel to get the players and officials off the pitch safely. Also that a further team of 16 stewards was specifically moved to a default position at the end of the match with the aim of assisting players and officials to get off the pitch safely.”* (para 59 of Mr Whalley’s Report);
- 35.3. *“The video footage in Clip Two clearly shows an unacceptable delay before stewards arrive to assist Mr Evatt. I do believe that, given the fact that this player, as an ex-player and former captain of Blackpool FC – Preston North End’s local rivals – had been singled out during the match and given a lot of verbal abuse from the home supporters, the priority for the special team of 16 stewards despatched to assist players get off the pitch safely should have been to assist Mr Evatt. I do not believe that any other Chesterfield player was at risk from such unwanted attention by Preston fans. If a team of stewards had been despatched to assist this player specifically as soon as the referee had blown the whistle, I believe the assault could have been avoided.”* (para 60 of Mr Whalley’s Report);
- 35.4. *“I note from the video footage in Clip One that the referee blew the final whistle when the ball had gone out for a corner at the Bill Shankly Kop Stand. It would, in my opinion, have helped matters considerably if the referee had waited to blow his whistle until play was in the middle of the field. I have noted that Preston North End did make the referee aware of the likelihood of a pitch incursion if the home team were to win and of the ground with the tunnel being at one end of the pitch. I don’t think the club could have done any more, but the referee might have made the club’s task harder than it could have been.”* (para 61 of Mr Whalley’s Report);
- 35.5. *“Given that play was at the Bill Shankly Kop end, it was even more important*

for a team of stewards to be directed at final whistle to assist Mr Evatt and direct him off the pitch quickly as possible.” (para 62 of Mr Whalley’s Report);

35.6. *“From the above I conclude that ... (d) the club could have done more to offer protection to Chesterfield players in general and to Ian Evatt in particular, given the verbal abuse that the player had received from the Preston fans throughout the game.” (para 63 of Mr Whalley’s Report); and*

35.7. *“I therefore hold that Preston North End was unable to provide adequate protection to players and officials at the end of this match.” (para 64 of Mr Whalley’s Report).*

36. Mr Whalley’s witness statement of 20 July 2015 was around incidents involving Mr Evatt by the Club’s fans and their booing of Mr Evatt. Mr Whalley stated:

36.1. *“In summary, I conclude that there were numerous occasions during the game when Ian Evatt was booed or verbally abused by the home crowd and that he was singled out for such treatment by the Preston North End supporters. In the first half it was virtually every time he touched the ball. In the second half the animosity towards him is less, probably due to the scoreline and the home fans focusing on a trip to Wembley, but booing still occurs.” (para 24 of Mr Whalley’s witness statement);*

36.2. *“I understand that the Preston North End Ground Safety Officer in the control room was not aware of the booing towards Ian Evatt, due to the sound-proofing in the stadium control room. I have noted from the Preston North End Control Room Incident Log that there is no record of the booing towards Ian Evatt being reported to the control room.” (para 25 of Mr Whalley’s witness statement);*

36.3. *“In such circumstances, I would have expected one of the club’s senior members of the safety management team who was out on the ground – perhaps the Deputy Safety Officer, if he was out on the ground, but if not him then another senior member of the stewarding and safety team – to have relayed this information to the stadium control room.” (para 26 of Mr Whalley’s witness*

statement); and

- 36.4. *“Accordingly, I reiterate the view previously recorded that Preston North End ought to have responded to this treatment of Ian Evatt by identifying him as the player most at risk of harm in the event of a pitch invasion by Preston North End supporters and by delegating a team of stewards to make a beeline for this player as soon as the final whistle was blown. It is my view that this failure (i) to identify the risk to the welfare of Ian Evatt and (ii) to respond accordingly so as to obviate that risk, was not reasonable in light of the matters set out above.”*
(para 27 of Mr Whalley’s witness statement).
37. As attached as an Appendix in Mr Whalley’s Report, we noted that The FA had reminded the clubs with a letter from Mr Whalley, dated 16 April 2015, about the potential mass pitch incursions and the threats they pose to the safety of players, officials and spectators. It stated: *“As another season draws to an end, clubs are again asked to be mindful of the potential for mass pitch incursions by supporters. These do pose a threat to safety of players, officials and spectators and The Football Association would urge all clubs to make every effort to discourage fans from entering the pitch.”*
38. We saw from the video clips provided that the Referee and some players had to sprint to the tunnel after the final whistle whilst some other players being caught out amongst many spectators who “flooded” on to the pitch at that time. We saw no stewards coming to their aids or a few stewards arrived after quite a period of delay. Mr Evatt was assaulted during this prolonged period of delay.
39. In its Provisional Response, via the letter from Mills & Reeves LLP, dated 03 July 2015, the Club submitted that:
- 39.1. *“... the Club, by way of its ground safety officer, ‘used all due diligence to ensure that its [s]aid responsibility is discharged’. The Club took all reasonable and proportionate steps to identify risks to players and officials (with none being identified) and in assisting the Player after the incident occurred. The Club assert that it is entirely reasonable and proportionate to have a team of 16*

stewards tasked with identifying problems/issues with players and to intervene accordingly.

- 39.2. *It is not common practice, or advised by the FA, that any player(s) subject to abuse is offered any protection or considered at risk of harm on a pitch incursion. It cannot be held to be reasonable that a club deploys teams of stewards to assist every player (to effectively ‘man mark’ a specific player and to escort him from the field). It is entirely reasonable for a club to task a sufficient number of stewards (16 in this instance that, for the avoidance of any doubt, has not been criticised by the FA) in the task of protecting the players and officials.*
- 39.3. *It is only reasonable that stewards respond to incidents as and when they occur and once they have been identified. It cannot be held to be reasonable that stewards escort every single player and official from the pitch in the event of incursion. Further, it cannot be held to be reasonable that stewards must reach a designated player before any supporter who had encroached onto the field (as it cannot be held reasonable that the police detect and prevent all crime; they can only respond accordingly).”*
40. In its Final Response, via the letter from Mills & Reeves LLP, dated 25 August 2015, the Club submitted that:
- 40.1. *“The Club maintains its position that it should be able to rely in full on the defence provided by Rule E21 in that the incident with Ian Evatt was a result of circumstances over which it had no control (it was impossible for the Club to ensure the behaviour of every supporter notwithstanding that all reasonable measures had been taken to control the behaviour of supporters), for reasons of crowd safety (had the pitch incursion not occurred, which was reasonable in the circumstances as accepted by Mr Chris Whalley, then the incident may not have occurred), and that the Club’s responsible officers and agents had used all due diligence to ensure that its responsibility as discharged (there was no intelligence regarding any threat to Evatt and the incident is unprecedented but in any event the Club had ensured that players and officials were escorted from the pitch as a matter of priority with a team of 16 stewards tasked with*

identifying issues/problems with players and to intervene accordingly).

- 40.2. *The FA had accepted that the Club had an appropriate strategy to protect the players and match officials in the event of a pitch incursion, had sufficient number of stewards to do so and, as a matter of fact, did protect the majority of the players and match officials from risk of harm.*
- 40.3. *The Club seeks to rely upon the following statements in its defence. The further evidence is self-explanatory and we do not see the need to substantially reiterate the same:*
- 1 *Witness statement of Mark Farnworth (the Ground Safety Officer on the day) confirms that there was no intelligence regarding any threat to Evatt and the Club had done everything possible that day;*
 - 2 *Witness statement of Stephen Evans (police officer in charge of police presence on the day of the game) who confirms that his officers did not report any booing/abuse to him, that none of his officers considered Evatt to be at risk because of the booing/abuse and that it was reasonable to consider that Evatt was not at risk of harm on a pitch incursion; and*
 - 3 *Expert witness statement of John Newsham, an expert in risk management and in particular sporting events who concluded that the booing/abuse of Evatt could not be identified as a threat to Evatt and it was reasonable to believe that there was no threat to him. Further, that it is unreasonable to allege that the Club failed to protect Evatt, that the Club did everything reasonable and proportionate to the risks identified in the match day risk assessment and that it is unreasonable for the FA to suggest that the Club did not identify a risk to Evatt from the booing/abuse he received."*
41. We noted the witness statements of Mr Farnworth, Inspector Evans and Mr Newsham. We also viewed the CCTV video clips provided by the Club.
42. That concluded all the evidence and we were grateful to everyone for their contributions.

The Burden of Proof

43. The applicable stand of proof required for this case is the civil standard of the balance of probability.

Our Findings & Decision

44. In considering the allegations under the Charge of:

“having identified a risk of pitch incursion, the Club failed:

- (a) *To put in place an appropriate strategy to protect players and/or match officials in the event of a pitch incursion; and/or*
- (b) *To provide a sufficient number of stewards to protect players and/or match officials in the event of a pitch incursion; and/or*
- (c) *To protect players and/or match officials from the risk of harm in the event of a pitch incursion” (in para 8),*

we accepted that, numerically, there were sufficient number of stewards on duty on the day ‘(b)’ but the issues for us were whether there was an appropriate strategy to protect the players and match officials in the event of a pitch incursion ‘(a)’, and whether that strategy, and deployment of the stewards, protected the players and match officials in the event from the risk of harm ‘(c)’.

45. We did not agree with the Club’s submission that *“The FA had accepted that the Club had an appropriate strategy to protect the players and match officials in the event of a pitch incursion”* (in para 40.2) as it was the allegation ‘(a)’ above in the Charge and we found no evidence in the bundle to support this claim.
46. We did not receive any information on the strategies from the Club to indicate to us how, when or where the deployments of stewards would take place to protect the players and match officials or get them off safely when this expected mass pitch invasion would inevitably take place.
47. It would appear from the Club’s briefing of the Referee prior to the match (in para 32) that the Club:

- 47.1. *expected* a mass pitch invasion if Preston North End had won (they won 3-0 on the day, with 4-0 aggregate);
 - 47.2. *knew* that it would be more difficult to get the players and officials off from the pitch if the match finished at the Bill Shankly Kop end; and
 - 47.3. *hoped* that the Referee would blow the final whistle away from this more difficult end of the ground.
48. Unfortunately, the match concluded at this very end and, with the mass pitch invasion, it made the “evacuation” of the players and match officials more difficult.
49. The Club had stated that this mass pitch invasion was as a result of “*Preston supporters were in celebratory mood because of their team had won they would use any means to enter the pitch*” and “*other than the reported assault on Mr Evatt, no other assaults or disorder occurred in the stadium and there were no injuries as a result of the pitch invasion*” (in para 34).
50. We wish to stress that any mass pitch incursion / invasion – be it celebratory / friendly or hostile – brings the associated risks and danger to the players, match officials and spectators alike. It was purely a matter of luck that, other than the reported assault on Mr Evatt, there were no other assaults, injuries or disorder in the stadium during the mass pitch invasion. From the recent case of Reading FC, involving a “celebratory” mass pitch incursion, we are aware that these views are shared by that Regulatory Commission and its Appeal Board.
51. No one can know the state of mind or intent of individual spectators involved in the mass pitch incursions. Such incidents bring a large number of spectators in close proximity with the players and match officials, if they are still on the pitch, that inherently poses risk of safety, abuse and/or violence.
52. We noted from one video clip in this mass pitch invasion what appeared to be some Preston North End spectators trying to take the shirt off a Preston North End player and it was fortunate that there were no unintended consequences.

53. In considering the resulting assault on Mr Evatt, we noted that there was no advance intelligence that Mr Evatt would be targeted and the booing he received from the Preston North End fans throughout the match were not reported to the soundproof control room. Therefore, the Club submitted that a heightened / targeted protection was not thought to be needed, or should be expected, for Mr Evatt. Whilst we had some sympathy with this argument, we believed that such events during the match should be reported and reacted to.
54. We noted from the Match Report of Mr Dave Lewis, FA Crowd Control Advisor, that this match was designated as Category B match and Mr Lewis had scored 2 out of 5 for Pitch / Perimeter Protection (other assessments were either 4s or 5s). Mr Lewis also reported that 30 (actual was 28) Agency stewards did not turn up on the day and let the Club down. Both Mr Lewis and Mr Whalley did not feel that this non-attendance of Agency stewards would have prevented the mass pitch invasion but we wondered if this missing resource could / might have helped to provide additional stewards to protect the players and match officials from risk of harm during the mass pitch invasion.
55. As mentioned in para 38, we saw from the video clips provided that the Referee and some players had to sprint to the tunnel after the final whistle whilst some other players being caught out amongst many spectators who “flooded” on to the pitch at that time. We saw no stewards coming to their aid or a few stewards arrived after quite a period of delay. Mr Evatt was assaulted during this prolonged period of delay. And, from what we saw in the video clips, some of the players did not receive any stewards’ escort at all and had to push their own way through the crowd. The Club submitted that “*eventually all players left the pitch*” (in para 34) and there was no mention of the players being escorted off the pitch.
56. It is reasonable for all players and match officials to expect that they are protected from possible risk of harm, and be away, from the spectators on the pitch. It is the responsibility of the home clubs to ensure that such reasonable expectations are met. The reactions after the incidents are not protecting the

- “risk of harm”, especially as the mass pitch invasion was expected in advance.
57. From all the evidence in our overall consideration of the allegations, we found that the Club failed “[t]o protect players and/or match officials from the risk of harm in the event of a pitch incursion” and also noted that one of the four stated aims of the Club “[t]o assist players / officials to get off the pitch safely” was not met.
58. We considered the resulting assault of Mr Evatt during this mass pitch invasion to be an aggravating factor.
59. With reference to the allegation that the Club failed “[t]o put in place an appropriate strategy to protect players and/or match officials in the event of a pitch incursion”, we recapped, from para 46, that we did not receive any information on the strategies from the Club to indicate to us how, when or where the deployments of stewards would take place to protect the players and match officials or get them off safely when this expected mass pitch invasion would inevitably take place. As mentioned in para 45, we also did not agree with the Club’s submission that “The FA had accepted that the Club had an appropriate strategy to protect the players and match officials in the event of a pitch incursion” (in para 40.2) as it was the allegation ‘(a)’ in the Charge and we found no evidence in the bundle to support this claim. We found this allegation to be proved.
60. For completeness, we could not fully agree with the allegation that the Club failed “[t]o provide a sufficient number of stewards to protect players and/or match officials in the event of a pitch incursion”. We were mindful that there were sufficient number of stewards on duty on the day, in accordance with the Green Guide, despite the Club being let down by the non-attendance of 28 Agency stewards, but we did not know the strategy, and the deployment of stewards, during this mass pitch invasion, which we had already covered in the above finding “to put in place an appropriate strategy”.
61. In conclusion, we found that:
- “having identified a risk of pitch incursion, the Club failed:*

- (a) *To put in place an appropriate strategy to protect players and/or match officials in the event of a pitch incursion; and*
- (c) *To protect players and/or match officials from the risk of harm in the event of a pitch incursion.”*
62. We then considered whether the 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...*” as a defence under FA Rule E21 on the allegations found proved.
63. We agreed that there were a number of factors which would contribute to a significant mitigation, which we would address below, but for the reasons on the aforementioned findings, we decided by a majority that the Club could have done more to protect the players and match officials with this expected mass pitch invasion, and that the Club had not used all due diligence to ensure that its said responsibility was discharged.
64. We, therefore, found the Charge proved.
65. All mass pitch incursions / invasions and related incidents are serious breaches of FA Rule E20 but, due to the circumstances and significant mitigation present, we assessed this case to be at a low level of culpability.

Previous Disciplinary Record

66. We sought the Club’s relevant previous disciplinary record and Mr Marsh advised us that there is no previous crowd control related charges over the past five years.
67. However, Mr Marsh advised us that the Club has one previous Rule E20 charge for conduct of players on the pitch during the First Leg of this Football League Playoff Semi-Final tie on 07 May 2015 when the Club accepted the standard penalty of £2,5000.

Mitigation

68. We did not agree with all submissions made by the Club as mitigation but, we found many factors, each with varying degrees, that contributed to an overall significant mitigation. We found, in no particular order, that:
- 68.1. The Club briefed the Referee about the expected mass pitch invasion and the increased difficulties it would bring with the match being ended at the Bill Shankly Kop end;
 - 68.2. Despite the above briefing, the Referee blew the final whistle when the play was at the Bill Shankly Kop end that was furthest distance from the players' tunnel;
 - 68.3. The mass pitch invasion took place with 3,000 spectators gaining access to the pitch within a very short time, despite the nettings in place and repeated tannoy announcements to discourage them from entering the pitch;
 - 68.4. The Club was let down by the non-attendance of 28 Agency stewards that the Club might have been able to augment the resources to assist with the protection of all players and match officials;
 - 68.5. The Club had employed sufficient number of stewards on duty on the day, in accordance with the Green Guide; and
 - 68.6. There was no advance intelligence that Mr Evatt would be targeted.

The Sanction

69. We reminded ourselves that:
- 69.1. the Club denied the Charge, which had been subsequently found proven. Therefore, the credit that would normally be afforded to guilty plea would not apply in this case;

- 69.2. There was no relevant previous disciplinary record of similar nature involving spectators but there was a previous FA Rule E20 breach involving players on the pitch;
- 69.3. After taking into the consideration of the significant mitigation present, we assessed this case to be as a serious breach of FA Rule E20 but at the low level of culpability; and
- 69.4. We found the resulting assault on Mr Evatt to be an aggravating factor;
70. We also noted that whilst the Club is now in Football League Championship, it was a Football League One club at the time of matters before us. We would, therefore, consider the appropriate sanction available to a Football League One club.
71. In considering the sanction, Mr Marsh advised us that recent previous breaches of FA Rule E20 involving spectators or pitch incursions were:
- 71.1. In May 2015, Aston Villa FC (Premier League club) was fined £200,000;
- 71.2. In July 2015, Blackpool FC (Football League Championship club) was fined £50,000; and
- 71.3. In October 2015, Reading FC (Football League Championship club) was fined £100,000 but was reduced to £40,000 on appeal.
72. After the Club having denied the Charge, which was subsequently found proven, the level of seriousness and culpability in this case, previous disciplinary record as well as aggravating and mitigating factors present, we decided unanimously that a fine of £10,000 would be appropriate and proportionate.
73. We, therefore, ordered that Preston North End be:
- 73.1. Fined a sum of £10,000 (ten-thousand pounds); and
- 73.2. Warned as to their future conduct.
74. We made no orders for costs.

75. The decision is subject to the right of appeal under the relevant FA Rules and Regulations.

Signed...

Thura KT Win JP (Chairman)

Peter Fletcher

Brian M Jones

4 November 2015