

THE FA

-v-

CARLISLE UNITED FC

DECISION AND REASONS

Warning to the reader of this document. This document contains reference to offensive and/or discriminatory language or behaviour.

Regulatory Commission constitution.

Abdul S. Iqbal KC (Chair – Independent Legal Panel Member)

Peter Fletcher (Independent Football Panel Member)

Phil Rainford (Independent Football Panel Member)

Michael O'Connor (Secretary to the Regulatory Commission)

Date of hearing : 20th November 2023

1. This document sets out the written reasons for the decision in this independent Regulatory Commission (“the Commission”).
2. This document does not set out the entirety of the evidence considered by the Commission. It sets out the relevant evidence on the central relevant issues as considered by the Commission and assessed by the Commission in reaching findings of fact.
3. The Commission met by Microsoft Teams meeting on 20th November 2023 to consider

the issues the case raises.

4. The Commission appointed to determine the charge has the requisite experience in crowd management matters and previous crowd management disciplinary hearings.

(1) The charge.

5. By charge letter dated 29th September 2023¹ The Football Association (“The FA”) alleged that Carlisle United FC (“CUFC”) during the EFL Football League Two Play-Off match against Bradford City FC (“Bradford”) on 20th May 2023 (“the match”) failed to ensure spectators and/or supporters (and anyone purporting to be its supporters or followers) conducted themselves in an orderly fashion whilst attending the match.

6. Accordingly, The FA charged CUFC with:

- i. Failing on 20th May 2023 to ensure that spectators and/or supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the match and do not encroach on to the pitch or commit any form of pitch incursion contrary to rule E21.3 of the Rules of the Football Association.

7. CUFC admitted the charge in correspondence dated 23rd October 2023 and requested a paper hearing².

(2) The facts.

8. The relevant facts³ as to these charges are:

- i. The match between Carlisle United FC and Bradford City FC on 20th May 2023 was the EFL League Two Playoff semi-final second leg and was played at CUFC’s home ground (Brunton Park);
- ii. In the 124th minute of the match, a very large number of CUFC fans came over the advertising hoardings behind one of the goals and congregated close to the pitch;
- iii. At the final whistle, there was a mass pitch invasion by CUFC fans. The CUFC safety stewards escorted the match officials from the pitch.

¹ Page 1 of the case bundle.

² Page 79 of the case bundle.

³ This summary is extracted from the various factual witness statements within the case bundle.

9. In addition to the above written evidence, the Commission viewed the following video footage of the incident itself :

- i. File entitled “Carlisle vs Bradford Pitch Inc” (with audio) that is of 5 minutes and 0 seconds length ;
- ii. File entitled “WhatsApp Video 2023-05-22” that is of 8 seconds length ;
- iii. File entitled “Ch03_CH 03_173243” that is of 67 minutes and 55 seconds length ;
- iv. File entitled “Ch07_CH 07_133000” that is of 4 hours, 18 minutes and 50 seconds length.

10. In that video footage, the incident is depicted relatively clearly. It shows :

- i. At the final whistle, initially multiple players and/or coaching staff enter the pitch area;
- ii. Those players and coaching staff are followed on to the pitch by many CUFC supporters who are freely roaming on the pitch and approaching whoever they like without hindrance;
- iii. The match officials are escorted from the field of play by safety and stewarding staff;
- iv. Eventually, there are thousands of people visible on the pitch area⁴;
- v. The supporters who are on the pitch are interacting freely with CUFC players and staff;
- vi. The Bradford City players appear to have been able to leave the pitch successfully but two Bradford City players remained on the pitch in the area of the visiting supporters for some minutes thereafter ;
- vii. Whilst these events are unfolding, there are no or very few security or safety staff visible on the footage.

(3) The sanction framework.

11. FA Rule E21⁵ provides as follows :

⁴ See for example at 1 minute 58 seconds on the footage

⁵ Page 148 of the FA Handbook 2023/24.

“Supporter behaviour

E21 *A Club must ensure that spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending any Match and do not:*

E21.1 *use words or otherwise 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.”*

12. CUFC has admitted a breach of FA rule E21.3 by failing to ensure that its supporters acted in an orderly fashion whilst attending the match and failing to ensure that they do not encroach on to the pitch or commit any form of pitch incursion.

13. The “*due diligence*” defence within FA rule E21.5⁶ is not raised by CUFC.

⁶ Page 146 of the FA Handbook 2022/23.

14. However, factors relevant to due diligence are relevant to determining sanction because they are relevant to the mitigation available to a charged participant.

(4) The submissions on sanction.

15. The Commission read and considered all of the following written documents when considering the appropriate sanction in this case.

16. The contents of each of those documents and appendices are not repeated in this document save for where reference is necessary to explain whether a submission or factor was regarded as relevant or irrelevant to sanction.

(i) The FA.

17. The Commission read and considered :

- i. “*The FA’s Submissions on Sanction*” dated 31st October 2023⁷;

18. In summary, the submissions made by The FA in relation to this incident and its case are :

- i. The match was categorised as medium risk by Cumbria Police and, as such, increased levels of policing were introduced;
- ii. CUFC has submitted that enhanced planning with the police took place, specifically in relation to pitch invasions;
- iii. CUFC carried out a “*Match Specific Risk Assessment*”. In respect of pitch incursions, CUFC determined that such an event as likely. As such, CUFC planned for extra stewards and media messages to be deployed in respect of the dangers of pitch incursions;
- iv. The FA accepts that strong messaging was issued by CUFC ahead of the fixture and acknowledges the engagement which took place between the police and CUFC;
- v. It is also accepted by The FA that increased stewarding and police resources were arranged for the match;

⁷ Pages 322 to 324 of the case bundle.

- vi. As a result of the observations received from CUFC, The FA instructed Mr Anthony Conniford⁸, (a Safety and Security Advisor) to review the steps taken by CUFC and advise as to whether CUFC had used all due diligence in discharging its duties in respect of spectator behaviour;
- vii. Mr Conniford's findings include :
 - a. Mr Conniford acknowledges the positive steps taken by CUFC in pre-match preparation for this match. However, he also highlights a number of failings ;
 - b. The "*Risk Assessment and Briefing Document*", whilst specific to the match, was not detailed enough in respect of potential pitch incursions ;
 - c. No minutes of meetings or briefings with the police have been provided;
 - d. Whilst there is evidence that the away spectator section was well protected from pitch incursions, a more robust attempt to stop or proactively dissuade CUFC supporters from entering the field of play was expected;
 - e. At full-time, around the tunnel area, a protected sterile area should have been in place for players and staff;
- viii. Accordingly, The FA does not accept, nor does CUFC contend (given the admission to the charge), that the possible defence pursuant to FA Rule E21.5 is satisfied;
- ix. The FA acknowledges CUFC's admission to the charge and mitigation provided;
- x. CUFC plainly took significant steps to mitigate the risks of a pitch incursion but fell short in defence of the charge under the "*due diligence test*";
- xi. However, pitch incursions of this nature, even if good natured, still present a significant risk to those on the field of play;
- xii. The FA does not invite the Commission to impose an Action Plan given the behaviour of the spectators did not involve discriminatory language or conduct;
- xiii. The FA submits that the most appropriate sanction is a financial penalty.

⁸ See pages 70 to 76 of the case bundle.

(ii) CUFC.

19. The Commission read and considered :
- i. Letter from Nigel Clibbens (Chief Executive, Carlisle United FC) to The FA dated 2 June 2023⁹;
 - ii. Letter from Nigel Clibbens (Chief Executive, Carlisle United FC) to The FA dated 23 October 2023¹⁰ with appendices;
 - iii. Appendix A1 - Carlisle United FC Club Charter 2022/23 (pages 108 – 141 of the case bundle);
 - iv. Appendix A2 - EFL Guidance Tackling Pitch Incursion (pages 142 – 147 of the case bundle);
 - v. Appendix A3 - PB Advice for Teams, dated 20th May 2023 (page 148 of the case bundle) ;
 - vi. Appendix A4 - Letter from Carlisle United FC to The FA, dated 2 June 2023 (pages 149 – 180 of the case bundle);
 - vii. Appendix A5 - GSC Brunton Park Certificate, signed 19 July 2022 (pages 181 – 220 of the case bundle);
 - viii. Appendix A6 - Carlisle United FC's License to Admit Spectators to Watch Designated Football Matches (page 221 of the case bundle);
 - ix. Appendix A7a - Stewards' Briefing (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 222 – 226 of the case bundle) ;
 - x. Appendix A7b - Paddock Info and Risk Assessment (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 227 – 229 of the case bundle) ;
 - xi. Appendix A7c - Pioneer North Info and Risk Assessment (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 230 – 231 of the case bundle) ;
 - xii. Appendix A7d - Pioneer South Info and Risk Assessment (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 232 – 234 of the case bundle) ;

⁹ Pages 7 to 15 of the case bundle.

¹⁰ Pages 80 to 107 of the case bundle.

- xiii. Appendix A7e - Warwick Road End Info and Risk Assessment (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 235 – 237 of the case bundle) ;
 - xiv. Appendix A7f - West Stand Info and Risk Assessment (Carlisle United FC v Leyton Orient FC), dated 14 October 2023 (pages 238 – 239 of the case bundle) ;
 - xv. Appendix A8 - Stewards inspection (22 October 2022) (pages 240 – 241 of the case bundle) ;
 - xvi. Appendix A9 - Level 4 Spectator Safety Certificate (pages 242 – 243 of the case bundle);
 - xvii. Appendix A10 - Steward Training NVQ Numbers (June 2022) (pages 244 – 249 of the case bundle);
 - xviii. Appendix A11 - PA Tannoy Messages (page 250 of the case bundle);
 - xix. Appendix A12a - Spectator Safety Policy 2022/23 (pages 251 – 261 of the case bundle);
 - xx. Appendix A12b - Supporter Sanctioning Policy 2022/23 (pages 262 – 269 of the case bundle);
 - xxi. Appendix A12c - Pyro - Stewards Handbook (30 May 2022) (pages 270 – 295 of the case bundle);
 - xxii. Appendix A12d - Pitch Incursion - Stewards handbook (30 May 2022) (pages 296 – 321 of the case bundle);
 - xxiii. Carlisle United FC's Observations on The FA's Submissions on Sanction¹¹.
20. In summary, the submissions made by CUFC in relation to this incident and its case are :
- i. The pitch incursion was caused by overwhelming euphoria amongst CUFC fans after reaching Wembley for the 2022/23 EFL League Two play-off final. This was the first time in CUFC's entire history that they had reached an EFL play-off final;
 - ii. CUFC had a short time available after the match scheduling details were confirmed (12 days), during which CUFC carried out all reasonable due diligence and planning for

¹¹ Pages 325 to 328 of the case bundle.

- the match;
- iii. CUFC undertook a match specific risk assessment for the match¹² (Appendix A to CUFC's letter of 2 June 2023), this included a match specific assessment of pitch incursion risk. That risk assessment reflected the circumstances and issues identified from working together with Cumbria Police, the EFL, CUFC fans and Bradford City and learning from the last league fixture at home versus Bradford City;
 - iv. In order to address the risk, CUFC contends that proportionate and reasonable mitigations were put in place during the planning phase for the match including:
 - a. Having a highly experienced and appropriately qualified Safety Officer in place, actively supported by senior leadership from Board directors;
 - b. An overall plan for the match;
 - c. Having appropriate policies in place;
 - d. A match-specific Pitch Incursion Plan;
 - e. Contracting additional stewards and security personnel in excess of levels recommended by the Sports Grounds Safety Authority Green Guide for the crowd of 15401;
 - f. Effective communication with all stakeholders (police, fans, officials and players, the EFL, staff, and the away club);
 - g. A club culture committed to good fan behaviour;
 - h. Working very closely with CUFC fan groups;
 - i. Extensive messaging to CUFC supporters;
 - j. Working with Bradford City in the planning and stewarding operation;
 - k. Working closely with Cumbria Police in the planning and security for the match. CUFC contracted special police services on the footprint of the stadium at far higher levels than normal. The levels were greater than the previous game with Bradford City on 26 December 2022;

¹² Appendix A to CUFC's letter dated 2nd June 2023 at

- l. Working with EFL experts on crowd control;
 - m. Adhering to the EFL Guide on “*Tackling Pitch incursions*”.
- v. In dealing with the pitch incursion itself, CUFC contends that :
- a. CUFC managed the incident to minimise risk of harm, especially to participants including players, match officials and fans;
 - b. CUFC executed the “*Pitch Incursion Plan*”;
 - c. CUFC followed the EFL best practice;
 - d. CUFC took all reasonable steps to detain perpetrators engaged in disorder at the time;
- vi. Post-match, CUFC contends that :
- a. CUFC supported the police and appealed to fans to identify and prosecute individuals involved in disorder during the incidents. Two fans were prosecuted and sanctioned with a 3-year Football Banning Order and 3-year club bans;
 - b. Since the match, CUFC have learned from the incidents and made changes to improve routine matchday planning, risk assessment and match incident management;
- vii. CUFC has experienced no repeat pitch incursion and no single individual has entered the field of play in the 2023/24 season thus far at home games attended by almost 60,000 fans, nor have any CUFC fans at away games engaged in such behaviour.
21. CUFC supplied a considerable volume of documentary material by way of appendices as mitigation in support of the above contentions.

(5) The Commission’s factual findings and legal conclusions as to sanction.

22. This pitch incursion involved several thousand CUFC spectators.
23. The Commission is acutely mindful that this match was an EFL League Two play-off semi-final match.
24. On 25th July 2022 a statement issued jointly by The FA, Premier League, the EFL and

Football Supporters Association stated (amongst other things) :

“The FA, Premier League and EFL are together introducing new measures and stronger sanctions across the game to tackle the increased anti-social and criminal behaviours recently seen within football grounds and underline the importance of a safe matchday environment.

The new set of actions, which will be implemented across all English football leagues from the start of Season 2022/23 and backed by the Football Supporters’ Association, will target activity such as entering the pitch without permission, carrying or using smoke bombs or pyrotechnics and throwing objects - as well as drug use and discriminatory behaviour.

These acts are dangerous, illegal and have severe consequences. They have no place in football, or anywhere.

From the start of Season 2022/23, all identified offenders will be reported by clubs to the police and prosecution could result in a permanent criminal record, which may affect their employment and education, and could result in a prison sentence. The FA will also be enforcing a tougher charging and sanctioning policy for clubs, which will reinforce these measures.

[...]

Our strong and collective approach reflects how seriously we all view this issue and the severity of the risks. Nobody should be intimidated or assaulted in their workplace. The pitch must remain safe for players, managers and match officials, just as the stands should be for supporters.”

25. The above statement correctly and expressly notes that it is a criminal offence for a spectator to enter the playing area at any designated match¹³.

26. Previous decisions of Regulatory Commissions have considered the appropriate approach to considering sanction in cases of pitch incursions by spectators. The Commission has considered, for example, the decisions in :

- i. *The FA -v- Birmingham City FC* (“Decision and Written Reasons” dated 16th September 2019) ;
- ii. *The FA -v- Bristol Rovers FC* (“Written Reasons” dated 28th July 2022).

27. This Commission agreed that in assessing the principles of culpability and harm, the correct approach when considering the appropriate sanction should be reference to the following factors:

¹³ Section 4, Football (Offences) Act 1991.

- i. The seriousness of the breach committed by the club ;
- ii. The culpability of the club ;
- iii. The harm caused by the incident ;
- iv. The mitigation available to the club.

28. The Commission adopts and applies this approach to this case.

29. The Commission also has regard to Regulation 41 ("*Penalties and Orders*") of the Disciplinary Regulations¹⁴ relating to the powers of the Commission to impose penalties on the club

30. Where it is necessary for the Commission to come to any conclusion(s) as to the relevant facts, the burden of proof is borne by The FA to prove the fact(s) upon the balance of probability.

31. The test to be applied is that the Commission is satisfied an event occurred if the Commission considers that, on the evidence, the occurrence of the event was more likely than not.

(i) The seriousness of the breach committed by the club.

32. The first assessment is the gravity of CUFC's breach of the FA Rules as opposed to the outcome (a potential assault of players or match officials that is the consequence of that breach).

33. The Commission noted that in respect of this match in particular and the security risks attached to it there was a considerable volume of supportive documentation for the Commission to evidence the level of due diligence carried out by CUFC prior to this match.

34. The duty placed upon CUFC pursuant to FA rule E21 is non-delegable. The club has a responsibility to ensure that proper planning and risk assessments were in place to minimise the risk of such a pitch incursion.

35. This match was the second leg of an EFL League 2 Playoff semi-final match. It was therefore the final match to be played at Brunton Park that season and marked the end of a

¹⁴ FA Handbook 2023/24, page 176 to 177.

successful season irrespective of the result.

36. In these circumstances, it was obvious that the attendance would be much higher than at a usual fixture involving these two teams or indeed other competitive matches at Brunton Park. This indeed proved to be the case with a match attendance of 15,401.

37. In addition, it must have been obvious that there was a high risk of a pitch invasion by supporters at the end of the match irrespective of the result.

38. This was either to be the culmination of a successful season or a celebration that CUFC had progressed to the EFL League 2 Play Off final to be held at Wembley Stadium. Either scenario meant on any sensible analysis a high risk that supporters would invade the pitch.

39. It is surprising to the Commission in these circumstances that the match was categorised as a medium risk fixture by Cumbria Police and/or CUFC.

40. It is also somewhat surprising that Mr Conniford prepared his report on relevant issues without having been able to read and digest CUFC's specific "*Pitch Incursion Plan*"¹⁵. That document is plainly a relevant and important document in this case.

41. The Commission has considered the "*Pitch Incursion Plan*". The view of the Commission is that the "*Pitch Incursion Plan*" is a useful starting point but could be more comprehensive in its provision for dealing with pitch incursions generally and specifically in relation to this match.

42. In this regard, the Commission noted that there had been earlier incursions during this match by spectators before the mass pitch invasion. Those earlier incidents should have underlined yet further the risk of a mass pitch invasion leading to appropriate protective measures prior to the mass pitch invasion.

43. In all of the circumstances, the Commission is satisfied that the number of safety and security staff at the match was insufficient to deal with the large match attendance.

44. The Commission accepts the broad submission that CUFC had made considerable efforts in pre-match planning for this match. The documents supplied by CUFC as appendices to CUFC's response to the charge show the efforts that had been made by CUFC.

45. The Commission accepts the submission that CUFC employed a larger number of

¹⁵ See page 72 of the case bundle at paragraph 5.4 of Mr Conniford's report. The Pitch Incursion Plan is at page 105 of the case bundle.

security and stewarding staff than would ordinarily be the case for a competitive match at Brunton Park.

46. However, the match attendance of 15,401 coupled with the inevitable high risk of a pitch incursion or pitch invasion meant that it was incumbent on CUFC to have deployed more security and stewarding staff than were actually employed at the match.

47. In addition, the Commission has seen no evidence as to a “*Steward Deployment Plan*” at the match. This too is an important document in assessing pre-match planning for a fixture of this type. In this regard, the Commission noted from the video footage that the steward cordon on the pitch designed to sweep the crowd away was relatively slow and ineffective as a result.

48. The Commission also noted that some aspects of EFL guidance had not been implemented by CUFC. These included guidance relating to player and coaching staff protection, and the protection of the player’s tunnel and the technical area.

49. The Commission also noted that the match-specific risk assessment had no content relating to the risk of use of missiles or pyrotechnics. However, the Commission was encouraged to see that the revised version of this document¹⁶ is improved in its content.

50. The scenario that developed with a mass pitch invasion with insufficient stewarding response is reflective of inadequacy of some aspects of pre-match planning.

51. The protection of match officials and players from spectators is a primary function of security and stewarding staff. The match officials and players were inevitably placed in a position of *risk* due to the mass pitch invasion. The Commission noted that fortunately the stewarding staff were able to provide a good level of protection to the match officials when the mass pitch invasion occurred.

52. Mercifully, the Commission noted that the pitch invasion was generally well-mannered. However, the risks created by such a pitch incursion are plain and obvious. It would take only a small minority of disruptive or aggressive spectators to trigger a more serious incident.

53. Nonetheless, the Commission was encouraged to see that CUFC had applied considerable time and effort in its pre-match planning.

54. Considering all of the matters we have referred to, the Commission categorises the

¹⁶ Page 227 of the case bundle.

seriousness of CUFC's breach of FA Rule E21.3 as relatively low albeit there are some identifiable defects that should be the focus of future pre-match preparation.

(ii) The culpability of the club.

55. As the Regulatory Commission recognised in *The FA -v- Birmingham City* (cited above), there is a scale of culpability for breaching Rule E21.3 in respect of a pitch incursion :

- i. the most serious (for example a deliberate decision not to provide the necessary resources for financial reasons) ;
- ii. a reckless disregard in respect of the club's duties ;
- iii. gross negligence ;
- iv. negligence ;
- v. a situation where a club has marginally failed to avail itself of the "*due diligence*" defence set out in Rule E21.5.

56. The Commission adopts that approach in assessing the culpability of CUFC for this breach of FA rule E21.3.

57. The Commission does not conclude that CUFC did not provide necessary resources to minimise the risk of a pitch incursion due to financial reasons.

58. Nor does the Commission conclude that CUFC showed a reckless disregard or gross negligence in respect of its duties pursuant to FA Rule E21.3.

59. In these circumstances, the Commission has to consider whether CUFC's culpability should properly fall into the fourth or fifth categories cited above.

60. CUFC asserts it had in place certain procedures in relation to safety and security staff at the match by way of in-house stewarding staff. However, the Commission has concluded there were some deficiencies in planning generally for this match and the obvious risks associated with crowd control at a playoff semi-final such as this with a large attendance.

61. Having considered all of the above matters, the Commission concludes that the culpability of CUFC properly falls within the fifth category, namely "*a situation where a club has marginally failed to avail itself of the "due diligence" defence*".

62. Although CUFC did not seek to invoke the defence pursuant to FA Rule E21.5, the Commission noted that had such a defence been raised by CUFC, it would in all likelihood have not provided a sustainable defence albeit CUFC did apply considerable time and effort to its pre-match planning.

(iii) The harm caused by the incident.

63. As stated by the Regulatory Commission in *FA -v- Birmingham City* (cited above), “*harm*” encompasses the immediate adverse consequences of an incident and has a wider meaning for these purposes.

64. The wider meaning of harm would include for example :

- i. The creation of a dangerous or hostile situation, even if that situation did not in fact escalate ;
- ii. The creation of a risk of “*copycat incidents*” ;
- iii. The creation of any longer term consequences, such as the elevation of tensions at future matches between rival supporters ;
- iv. Any wider damage to the reputation of football.

65. In the circumstances of this pitch incursion, it is noted by the Commission that there were several thousand spectators who invaded the pitch.

66. In these circumstances, there is inevitably a risk caused by the pitch incursion because it created a dangerous and hostile situation with a *risk* of assault, a *risk* of future tension particularly between some supporters of these two clubs, and damaged the reputation of football generally.

67. Mercifully, the mass pitch invasion seemed generally well-mannered and celebratory in nature. The visiting Bradford City fans appeared to be well marshalled and protected from the mass pitch invasion. The risks created by such a pitch invasion are nonetheless plain and obvious.

68. Accordingly the harm caused by the mass pitch incursion was significant.

(iv) The mitigation available to the club.

69. The Commission concludes that the following mitigation is available to CUFC:
- i. The club co-operated with the disciplinary investigation by The FA and responded promptly by admitting the misconduct;
 - ii. There was a considerable level of pre-match planning carried out by CUFC in relation to crowd safety and crowd control issues;
 - iii. The club has responded by banning two spectators who have been convicted of criminal offences for 3 years;
 - iv. The club has apologised for the pitch incursion to all parties concerned;
 - v. The club has taken steps to improve its security and safety staffing to ensure that appropriate security and stewarding staff will be available in the future properly briefed in this regard.
70. The Commission concludes that the following aggravating factors apply to this case:
- i. CUFC had a relevant misconduct record for a finding that CUFC breached FA Rule E21.4 (discriminatory racist chanting by its spectators) committed in the match at Brunton Park against Bradford City on 26/12/22. CUFC was fined £7,500.

(6) Sanction.

(i) A fine.

71. This was a damaging incident.
72. The Commission unanimously concluded that a financial penalty was warranted and appropriate for the admitted misconduct.
73. The Commission noted the various mitigating factors and the aggravating factor set out above.
74. For the reasons set out above, there were some deficiencies as to pre-match planning by CUFC. Those deficiencies were illustrated by, and the cause of, the lack of a sufficient response at the match itself to the mass pitch incursion by spectators.
75. The Commission was satisfied that diligent and responsible pre-match planning would have properly and reliably identified specific risk factors relating to this match and the need for

a categorisation of this match as a high risk fixture in relation to pitch incursions.

76. The identification of those risk factors would have much reduced the risk of incidents such as those that ultimately occurred.

77. The damage to the reputation of football by such misconduct is obvious.

78. Such circumstances and deficiencies need to be reflected in the assessed culpability of CUFC.

79. However, each case will turn on its own facts

80. The Commission notes this was an EFL League Two Playoff semi-final match.

81. Balancing all of the aggravating and mitigating factors, the Commission concludes the appropriate financial penalty is as follows :

i. CUFC shall be fined £5,000 ;

ii. £3,000 of the total fine of £5,000 is payable immediately ;

iii. £2,000 of the total fine of £5,000 is suspended ;

iv. In the event that CUFC is found to be in further breach of FA rule E21 for any incident(s) on or before 21st November 2024, CUFC will pay the suspended fine of £2,000 immediately (in addition to any separate penalty imposed for any such further breach).

82. CUFC is fined accordingly.

(ii) An Action Plan.

83. The Commission noted a detailed "Action Plan" is in place already for CUFC until the end of the 2023/24 season.

84. The Commission is confident that CUFC will continue to comply with the terms of that Action Plan in the future. No amendments are made to the terms of that Action Plan.

85. CUFC is formally warned as to future conduct.

86. The above sanctions are formally imposed.

87. There is the right to appeal these decisions in accordance with FA Regulations.

ABDUL S. IQBAL KC

PETER FLETCHER

PHIL RAINFORD

21st November 2023