

THE FA

-v-

STEVENAGE 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)

Ken Brown (Independent Football Panel Member)

Matt Wild (Independent Football Panel Member)

Michael O'Connor (Secretary)

Date of hearing : 21/7/23

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 21st July 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 26th May 2023¹ The Football Association (“The FA”) alleged that Stevenage FC (“Stevenage”) during the EFL League Two match against Bradford City FC (“Bradford”) on 11/2/23 (“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 Stevenage with :
 - i. Failing on 11/2/23 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 behave in a way which is improper, threatening or provocative; and/or encroach on to the pitch or commit any form of pitch incursion contrary to rules E21.1 and E21.3 of the Rules of the Football Association.
7. Stevenage admitted the charge in correspondence dated 5/6/23 and requested a paper hearing².

(2) The facts.

8. The relevant facts³ as to these charges are :
 - i. In about the 35th minute of the match, a Bradford supporter entered the field of play from the spectators’ stand leading to his arrest and ejection from the stadium ;
 - ii. In the 87th minute of the match, a Stevenage supporter ran on to the field of play from a location behind assistant referee 2 towards the middle of the pitch ;
 - iii. That supporter ran towards the match referee but then ran past the referee towards the

¹ Page 1 of the case bundle.

² Page 16 of the case bundle.

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

- Bradford player Andy Cook and attempted to assault him⁴ ;
- iv. That supporter only failed to have direct physical contact with Andy Cook because a Stevenage player physically protected Andy Cook by shielding him from physical contact with the supporter ;
 - v. Players from both teams got hold of the supporter and tried ushering him away ;
 - vi. Meanwhile, Liam Warren (Stevenage Safety Officer) saw the supporter near the half way line on the pitch so he “*radioed*” a message to all radio holders that a supporter was on the pitch. The response to that message was “*which location?*”⁵ ;
 - vii. After a period of time, stewarding staff tried to apprehend the supporter. However, that supporter had left the field of play and re-entered the spectator stands by this stage ;
 - viii. One of those Stevenage stewarding or other staff that approached the supporter was Liam Warren (the Stevenage Safety Officer) ;
 - ix. The match stewards including Liam Warren and police then apprehended that supporter and ejected him from the ground ;
 - x. The supporter is aged 14 years ;
 - xi. The Stevenage Safety Officer was not happy at the lack of response from stewarding staff and upon a post-incident investigation with the Stevenage stewarding supplier, the stated reason for there being no initial reaction from stewarding staff in the stand was that the stewards ordinarily stewarded stadia where there is a dedicated “*Pitch Invasion Team*” (“PIT”) for such eventualities. Stevenage had no such “PIT” at this stadium and appears not to have had such a system in place at matches up to and including this match ;
 - xii. Following various post-incident discussions, Stevenage will now have a dedicated “PIT” present and available pitch side at every home match ;
 - xiii. Subsequently, the offending supporter has been banned from attending at the Stevenage home stadium for a period of three years⁶.

⁴ Extraordinary Incident Report Form of Leigh Doughty (match referee) at page 5 of the case bundle.

⁵ See statement of Liam Warren set out in signed letter from James Cameron (Stevenage FC Club Secretary) at page 6 of the case bundle.

⁶ Page 17 of the case bundle.

9. In addition to the above written evidence, the Commission viewed a 44 second piece of video footage with audio of the incident itself. It appears to be footage recorded by a spectator situated in a stand behind the goal and not CCTV footage of the match created by facilities operated by Stevenage.

10. In that video footage, the incident is depicted relatively clearly. It shows the Stevenage spectator enter the field of play from the right edge of the screen. He runs towards the centre circle and past the centre spot unopposed. No member of security or safety staff makes any attempt to stop him. He approaches Andy Cook (a Bradford player) who is in the centre circle towards the left hand edge on the screen.

11. A Stevenage player then steps between the spectator and Andy Cook in order to protect Andy Cook. It is plain that the spectator is seeking to approach Andy Cook aggressively and at speed. The spectator collides with the Stevenage player who in turn collides with Andy Cook.

12. The spectator is then ushered away by players whilst gesturing towards other spectators in the stand. No stewarding or security staff have thus far intervened. He then jumps over advertising boards and enters the spectators stand before being approached by stewarding staff.

(3) The sanction framework.

13. Stevenage 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 behave in a way which is improper, threatening or provocative; and/or encroach on to the pitch or commit any form of pitch incursion

14. The “*due diligence*” defence within FA rule E21.5⁷ is not raised by Stevenage.

15. 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.

16. The Commission read and considered all of the following written documents when

⁷ Page 146 of the FA Handbook 2022/23.

considering the appropriate sanction in this case.

17. 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.

18. The FA did not make any written or oral submissions to the Commission as to principles relevant to sanctioning in this case.

(ii) Stevenage.

19. The Commission read and considered :

- i. Signed letter from James Cameron (Stevenage FC Club Secretary) to Jack Gillett (Football Association) dated 15th February 2023⁸ ;
- ii. Stevenage FC "*Matchday Operations Event Summery (sic) & briefing*"⁹ ;
- iii. Email from James Cameron (Stevenage FC Club Secretary) regarding the "*Steward Supplier*" to Jack Gillett (Football Association) dated 29th March 2023¹⁰ ;
- iv. Signed letter from Mike Pink (Stevenage FC Chief Executive Officer) to Jack Gillett (Football Association) dated 5th June 2023¹¹.

20. In summary, the factual submission made by Stevenage in relation to this incident and its case is¹² :

- i. Upon investigation by Stevenage FC (after the incident) with their stewarding supplier (who also supplies stewarding staff to Tottenham Hotspur FC) the reason for the initial "*nil reaction*" from the stewards at the relevant stand was because "*the stewards are used to grounds where there is a dedicated "PIT" team for said instances as per most protocols*" ;

⁸ Page 6 of the case bundle.

⁹ Pages 7 to 11 of the case bundle.

¹⁰ Page 12 of the case bundle.

¹¹ Page 17 of the case bundle.

¹² See letter from James Cameron, Stevenage FC Club Secretary, dated 15th February 2023 at page 6 of the case bundle.

- ii. In future, following post-incident discussions, Stevenage will have a dedicated "PIT" present at the side of the pitch at every match ;
- iii. Meetings have taken place post-incident so that Stevenage can ensure that appropriate protocols are devised and that a "PIT" properly briefed are present for future matches.

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

21. This pitch incursion involved a single Stevenage spectator. The Commission is acutely mindful that this breach of FA rule E21.3 is not a mass pitch incursion case.
22. However, sanctioning principles applicable to mass pitch incursions have relevance (with appropriate adjustment) to assessment of both harm and culpability in this case.
23. 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."

24. The above statement correctly and expressly notes that it is a criminal offence for a

spectator to enter the playing area at any match¹³. It has particular resonance to the facts of this case because the obvious inference to be drawn from the offending spectator's actions are that he intended to carry out an assault upon an opposing team's player. That act itself is of course a separate and serious criminal offence.

25. 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).

26. 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:

- 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.

27. The Commission adopts and applies this approach to this case. It 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.

28. 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.

29. 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.

¹³ Section 4, Football (Offences) Act 1991.

¹⁴ FA Handbook 2022/23, page 173 to 174.

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

30. The first assessment is the gravity of Stevenage's breach of the FA Rules as opposed to the outcome (a potential assault of a player) that is the consequence of that breach.

31. The Commission noted that in respect of this match against Bradford in particular and the security risks attached to it there was a lack of supportive documentation for the Commission to properly evidence any or any proper due diligence carried out by Stevenage prior to this match :

- i. The Commission was not supplied with any documentation as to any formal pre-match risk assessment in relation to a pitch incursion by supporters ;
- ii. The Commission was not sent any evidence of a pre-match deployment plan and/or briefing for safety and security officials tailored to the circumstances of this match and specific risk factors including the risk of a pitch incursion ;
- iii. The Commission was supplied with a list of stewarding and security staff employed by Stevenage at this match¹⁵. However, there was no or no proper deployment plan for those safety and security officials at the match ;
- iv. The Commission was not supplied with any briefing document in relation to stewards and security staffing at the match that adequately sets out the approach to be adopted in case of a pitch incursion by spectators. Although the Stevenage "*briefing*" document¹⁶ before the Commission does state "*Bradford will try and congregate behind goal, if not stewarded firmly they will then try and get onto the pitch. Know your Role and be vigilant*", there is no other mention of the possibility of a pitch incursion and no evidence that the stewarding staff did in fact have any or any proper understanding of their roles in relation to the risk of a pitch incursion ;
- v. The Commission saw no evidence of any formal contingency plans (such as cascade briefing and the like) in the event of such a pitch incursion at this match ;
- vi. The Commission was not sent the Safety Officer's decision log or similar material that would allow the Commission to properly evaluate relevant factual issues and the decision making in relation to the information available to Stevenage safety and security staff at material times ;

¹⁵ Page 8 of the case bundle.

¹⁶ Page 9 of the case bundle.

- vii. Indeed, by his own admission the Safety Officer left the control room in order to physically deal with the pitch incursion when he himself spotted the incursion by the spectator and noted no stewarding response at all. This is a worrying aspect because it left the control room without proper supervision and is a reflection of poor planning and the lack of any or any proper deployment plan for stewarding staff ;
- viii. Stevenage supplied no evidence to the Commission that CCTV had been utilised by them to monitor the spectators in order to reduce the risk of such a pitch incursion and to respond to it promptly if it did occur. Assuming that CCTV facilities were available to Stevenage at the match, they were not deployed at all or not properly deployed.

32. The ultimate admission by Stevenage that its stewarding contractor had expected Stevenage to have in place provision for a “*Pitch Invasion Team*”, with the implied admission that Stevenage did not appreciate that the stewarding team would not bear such a responsibility, shows a very serious lack of proper attention to detail in the planning for this match.

33. The duty placed upon Stevenage 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.

34. The scenario that developed with a pitch incursion with no stewarding response at all is reflective of this poor approach to planning. The fact that Stevenage accept that there had been a prior pitch incursion at this same match by a Bradford supporter prior to the incursion by a Stevenage supporter only emphasises the inadequate provision by Stevenage in this regard.

35. Considering the matters we have referred to, the Commission categorises the seriousness of Stevenage’s breach of FA Rule E21.3 as high.

(ii) The culpability of the club.

36. 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.

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

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

39. The list of stewarding staff supplied to the Commission supports the proposition that Stevenage applied financial resources to stewarding and security staff for this match. It is how those resources were deployed that is the central issue in this case.

40. Nor does the Commission conclude that Stevenage showed a reckless disregard in respect of its duties pursuant to FA Rule E21.3.

41. The club had in place certain procedures in relation to safety and security staff at the match. However, the Commission has concluded there were serious deficiencies in planning generally for this match and the obvious risks associated with crowd control.

42. Having considered all of the above matters, the Commission concludes that the culpability of Stevenage properly falls within the third category, namely gross negligence.

43. The lack of any or any proper risk assessment and provision of an action plan to deal with a pitch incursion led to no reaction at all to the pitch incursion by Stevenage security or safety staff.

44. Such a failure is more serious than simple negligence in the view of the Commission.

(iii) The harm caused by the incident.

45. 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.

46. 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.

47. In the circumstances of this pitch incursion, it is noted by the Commission that it involved a single spectator.

48. However, the purpose and intent of the pitch incursion by this spectator was very serious. The spectator approached a Bradford player and plainly intended to assault him. That is the only sensible inference from the actions of the spectator when he entered the field of play and approached Andy Cook aggressively. That assault was only prevented by the intervention of a Stevenage player.

49. In these circumstances, the harm caused by the pitch incursion was very significant 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.

50. Although this was not a mass pitch incursion and though mercifully no assault actually occurred, nonetheless the harm caused by the incursion was very significant.

(iv) The mitigation available to the club.

51. The Commission concludes that the following mitigation is available to Stevenage :

- i. The club has no relevant misconduct record ;
- ii. The club co-operated with the disciplinary investigation by The FA and responded promptly by admitting the misconduct ;
- iii. The club has responded by banning the offending spectator from the club ;
- iv. The club has apologised for the pitch incursion to all parties concerned¹⁷ ;

¹⁷ See letter at page 17 of the case bundle.

- v. The club has taken steps to ensure that a “*Pitch Invasion Team*” will be present at the side of the pitch at all future matches.

(6) Sanction.

(i) A fine.

- 52. The Commission is acutely aware that this was not a mass pitch incursion.
- 53. However, this was a damaging incident nonetheless.
- 54. The Commission unanimously concluded that a financial penalty was warranted and appropriate for the admitted misconduct.
- 55. The Commission noted the various aggravating and mitigating factors set out above.
- 56. For the reasons set out above, there were very substantial and serious deficiencies as to pre-match planning by Stevenage. Those deficiencies were illustrated by, and the cause of, the lack of any or any proper response at the match itself to the pitch incursion.
- 57. The Commission was satisfied that diligent and responsible pre-match planning would have properly and reliably identified specific risk factors relating to this match.
- 58. The identification of those risk factors would have much reduced the risk of incidents such as those that ultimately occurred.
- 59. The damage to the reputation of football by such misconduct is obvious.
- 60. Such circumstances and deficiencies needed to be reflected in the assessed culpability of Stevenage.
- 61. However, each case will turn on its own facts
- 62. The Commission noted this was an EFL League Two match.
- 63. Balancing all of the aggravating and mitigating factors, the Commission concluded that had Stevenage contested the misconduct, the appropriate financial sanction would be £10,000.
- 64. However, Stevenage had promptly accepted the misconduct. It is noteworthy that co-operation with the FA investigation is already reflected to a degree by the Commission in adopting the £10,000 fine starting point.
- 65. In these circumstances, the Commission concluded it was nonetheless appropriate and

proportionate to reduce the financial sanction to £7,500 to reflect the acceptance of the misconduct by Stevenage.

(ii) An Action Plan.

66. The Commission concluded unanimously that an action plan was necessary in this case to reduce the risk of further breaches of FA rule E21.

67. In order to reduce the risk of further such breaches of FA rule E21, there shall be an action plan in the case of Stevenage in the following terms :

“1. The Club shall:-

- Develop a proactive and comprehensive action plan in relation to the risk of pitch incursion by spectators and ensure that all interested parties are familiar with its contents
- Ensure that if any external agency is contracted by the Club in respect of the provision of security and/or safety services to the Club, that a comprehensive service level agreement is in place between the Club and each such agency that expressly stipulates the respective roles and responsibilities of the Club and the agency in respect of security and/or safety issues
- Ensure that a “Pitch Invasion Team” (“PIT”) is deployed at each home match and that a comprehensive document is prepared and circulated to all interested parties prior to each home match that expressly stipulates the roles and responsibilities of the PIT in respect of security and/or safety issues

2. The Club shall:-

- Undertake a formal and comprehensive risk assessment for each fixture, taking note of all relevant points including but not limited to:
 - Individual incursion
 - Multiple/mass incursion
 - Significant victory or similar celebrations by spectators
 - Fan protests
 - Topical political incursion by spectators

- Undertake a formal and comprehensive risk assessment of all sections of the home ground at the start of the 2023/24 season in respect of the risk of pitch incursion by spectators and review and update such risk assessment on a game-by-game basis.

3. Upon publication of:-

a. The Regulatory Commission's Written Reasons

b. This Action Plan

the Club shall communicate via its official Club website, via social media and in the match day programme for its next home match, an appropriate message and response to their supporters. Such message and response should explain:-

- the background to the Charge,
- the Club's condemnation of the disorderly behaviour which underpinned the Charge,
- the sanctions imposed on the Club by the Regulatory Commission,
- the Club's sanction on the individual concerned.

4. The Club shall:-

- Introduce an appropriate media campaign across its website and social media accounts emphasising the Club's policies and zero tolerance towards disorderly behaviour.

5. The Club shall :-

- use its CCTV system to collect evidence relating to poor fan behaviour and also provide added protection to stewarding and security staff during any interactions with supporters.
- Ensure that such a CCTV system is operated by suitably trained and appropriately SIA licensed CCTV operators.

6. This action plan shall remain in place until the end of season 2023/2024.

7. The FA shall monitor the Club's compliance with this action plan by periodic checks as deemed appropriate, so as to ensure that the various constituents of the action plan have been initiated and are being complied with."

68. Stevenage FC is formally warned as to future conduct.

69. The above sanctions are formally imposed.

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

ABDUL S. IQBAL KC

KEN BROWN

MATT WILD

24th July 2023