

IN THE APPEAL OF:

RICHARD LOWTHER (the appellant)

9<sup>th</sup> May 2024

and

KENT F.A. (the respondent)

**The Panel**

Rossano Scamardella K.C. (Chair)

Simon Parry

Roger Burden

**Secretary**

Conrad Gibbons – Senior Judicial Services Officer

**The Representation**

This appeal was heard on the papers

**INTRODUCTION**

1. On the 11<sup>th</sup> March 2024, Richard Lowther was charged by the Respondent, under Rule E3 – Improper Conduct against a Match Official. It was alleged that Mr Lowther used threatening and abusive words and behaviour and or insulting words and behaviour towards the match referee.
2. Mr Lowther denied the charge and his matter was heard on the 21<sup>st</sup> March 2024, via correspondence, by Martin Hill, acting as Chair alone on behalf of Kent County Football Association. The allegations were proved and the reasons for that finding were set-out in a comprehensive and clear written reasons document.

3. Mr Lowther was ordered to serve a suspension of 112 days from all football and football related activities, inclusive of a ground ban. He was ordered to pay a £50 fine and to complete an education programme before the 112 days suspension was complete.

## FACTUAL BACKGROUND

4. On the 24<sup>th</sup> February 2024, SB, was the match referee in a match between Rising Stars Youth u11 and Broadstairs Town FC u11. SB is under 18 and this much was made plain, if not already obvious, by the wearing of a yellow armband, which signifies as much.
5. During the match, SB was subjected to unpleasant verbal abuse from several spectators and coaching staff from Rising Stars. The abuse included 'fuck off', 'do you need glasses', 'you are so biased', 'how much are they paying you?' and other similarly insulting remarks.
6. Mr Lowther was one of the people abusing the match referee. He told him to 'fuck off' on multiple occasions and shouted at him throughout the match, so the match referee was left with no choice but to show Mr Lowther a red card.
7. Mr Lowther's response to being shown the red card was to cross the yellow 'Respect' cordon and to approach the referee and continue to shout abuse. Such was the conduct shown by Mr Lowther that the match referee felt it necessary to abandon the match.

## THE APPEAL

8. Mr Lowther, submitted a single ground of appeal, namely;
  - i. Imposed an award or any other sanction that is excessive
9. This appeal related to the length of the suspension as opposed to any other aspect of the sanctions imposed upon him.

10. Mr Lowther's 'statement of appeal' sought to introduce material that had not been considered by the original commission. This focused on the personal, financial and work-related reasons that Mr Lowther could not attend an in-person appeal. No formal application was made to adduce the material and the Appeal Panel had little choice but to ignore the 'fresh' evidence, however, we did note that even had we permitted the introduction of the new material, it would have made no difference to our findings.

#### DETERMINATION

11. The appeal was unanimously dismissed for the following reasons;

- i. The sanction range for an offence contrary to this charge code, is suspension of between 56 days and 182 days.
- ii. The recommended entry point is a suspension of 112 days.
- iii. The commission considered with care the relevant mitigating features, namely Mr Lowther's clean disciplinary record and that he reacted to his son being injured.
- iv. The assessment of the more troubling aspects of Mr Lowther's conduct is ably described at paragraph 23 of the written reasons document and cannot be criticised.
- v. The rationale for arriving at a suspension of 112 days (the entry point) is faultless and reflects the aggravating and mitigating features of the offence.
- vi. The fine imposed of £50 was the minimum permissible.

#### CONCLUSION

12. The criticism of the suspension imposed upon Mr Lowther is unsustainable and this appeal is devoid of all merit.

Rossano Scamardella K.C.

30<sup>th</sup> May 2024.

