

IN THE MATTER OF A FOOTBALL ASSOCIATION  
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

LUTON TOWN F.C.  
SUNDERLAND A.F.C

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WRITTEN REASONS AND DECISION OF THE INDEPENDENT  
REGULATORY COMMISSION FOLLOWING THE HEARING ON 31

OCTOBER 2024

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1. These are the written reasons for a decision made by an Independent Regulatory Commission (“the Commission”) which sat by video conference on 31 October 2024.
2. The Commission members were Mr. Simon Parry, (Chairman, and Independent Legal Panel Member), Mr. Alan Hardy (Independent Football Panel Member) and Mr. Ken Monkou (Independent Football Panel Member).
3. Mr. Michael O'Connor, FA Judicial Services Assistant Manager, acted as Secretary to the Commission.
4. The relevant incident took place in the EFL Championship fixture between Luton Town F.C. (“LTFC”) and Sunderland A.F.C. (“SAFC”) on 23 October 2024.
5. By letter dated 24 October 2024 the FA charged both Clubs with a breach of F.A. Rule E20.1, alleging that following the completion of the fixture the Clubs failed to ensure that their players and/or technical area staff did not behave in a way which was improper and/or provocative. The FA designated both cases as Non-Standard due to the involvement of technical area staff and the serious nature of the incident.
6. The proceedings against both Clubs were consolidated pursuant to Regulation 13 of the FA Disciplinary Regulations 2024/25.
7. The FA relied upon the following evidence:

- a) The Report of the Match Referee, Mr. T. Nield, dated 24 October 2024;
  - b) Video clips of the incident; and
  - c) Essential Information for Clubs 2024-25.
8. By written replies dated 29 October 2024 both Clubs admitted the Charges and requested a paper hearing at which to advance mitigation. LTFC relied upon written observations of Mr. Chris Clark, Club Secretary. SAFC relied upon written observations of Mr. Samuel Ash, Head of Football Administration & Operations.
9. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence in these reasons of any particular point or submission should not imply that the Commission did not take such point or submission into account when the members determined the matter. For the avoidance of doubt, the Commission carefully considered all the evidence and materials provided to it.
10. The Commission had the benefit of viewing the video footage of the incident. That is the most useful evidence in enabling a Commission to assess the seriousness of the misconduct in this case. The following are our findings of fact from the footage. Moments before the final whistle LTFC players were appealing for a handball in the penalty area, which was rejected. At the final whistle the Match Referee was occupied in dealing with protests from LTFC players. Meanwhile, a confrontation occurred between the LTFC goalkeeper and SAFC number 26, instigated by the LTFC goalkeeper.

Thereafter, a number of players from both Clubs confront each other, with various degrees of pushing and pulling. Fortunately, there were no overt acts of violence that are sometimes seen in these confrontations. It is fair to say that some of the dozen or so players involved were trying to curtail the incident. The incident did involve technical area occupants, albeit in limited number and whose involvement was, in our view, an attempt to quell the situation. Fortunately, the incident took place in the centre of the field of play, away from the immediate presence of spectators and did not involve the use of stewards to regain order. The incident was short-lived. As Non-Standard cases go, this incident as a whole was towards the lower end of the scale.

11. The Commission was informed of the disciplinary histories for the Clubs.

LTFC disciplinary history:

- (i) 7/6/20 v Swansea City- £5,000
- (ii) 11/4/22 v Huddersfield Town- £5,000
- (iii) 18/8/22 v Bristol City- £8,500
- (iv) 18/2/23 v Burnley- £10,000
- (v) 4/3/23 v Swansea City- £13,500

SAFC disciplinary history:

- (vi) 14/1/23 v Swansea City- £5,000

12. The Commission reminded itself that the FA had designated the cases as Non-Standard and therefore we are not obliged to follow any Standard

Penalties, rather the sanction is at our discretion. We did, however, note that the Standard Penalty at this level of football for such a charge is a fine of £5,000 (charge admitted) and £7,500 (charge denied and proven).

### MITIGATION

13. The best mitigation for both Clubs is their prompt admission of the Charge, the relatively low-level and short-lived nature of the confrontation and that the technical area staff appear to be trying to bring the incident to an end. We note also LTFC's apology. It is disappointing that no such apology was forthcoming in the submissions of SAFC, whose submissions were largely focussed on placing blame at the door of LTFC.

### CONCLUSION

14. This was another example of an unnecessary and unsightly demonstration of players being unable to control themselves. In terms of their role within the confrontation, a distinction has to be drawn between the Clubs for the fact that LTFC instigated the confrontation. Thereafter, players from each Club played an equal part.
15. The particular aggravating feature of this mass confrontation is that both Clubs have previous offences of failing to control their players. That is particularly so in the case of LTFC. LTFC are amassing an appalling record of E20 offences. It is clear to us that LTFC are doing precious little to curtail the lack of self-control that their players suffer from. Unless and until the

Club takes serious and positive action to modify the behaviour of its playing staff then the sanctions imposed upon them are only going to increase. We take account those mitigating features that we have set out above and principally to both Clubs' admission of the Charge, and we give credit for that. In LTFC's case we take a starting point of a fine of £10,000 to reflect that they instigated the confrontation, and a starting point of £9,000 in the case of SAFC. In LTFC's case we then increase their starting point to a fine of £20,000 to reflect the substantial aggravating feature of their dreadful disciplinary record. We then reduce that to take account of their admission to a fine of £15,000. In the case of SAFC, we increase the starting point to take account of their one previous breach to a sum of £10,500 and then reduce it to take account of their admission to a fine of £7,000.

### SANCTIONS

16. Luton Town FC shall be fined the sum of £15,000.
17. Sunderland AFC shall be fined the sum of £7,000.
18. The decision is subject to any appeal as provided by the Regulations.

Mr. Simon Parry (Chairman)

Mr. Alan Hardy

Mr. Ken Monkou

5 November 2024