

**IN THE MATTER OF A FOOTBALL ASSOCIATION  
INDEPENDENT REGULATORY COMMISSION**

**The FA  
V  
Preston North End Football Club**

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**DECISION AND WRITTEN REASONS  
OF THE INDEPENDENT REGULATORY COMMISSION**

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<b>Regulatory Commission</b>	<b>Dominic Adamson KC (Chairperson)</b> <b>Phil Rainford</b> <b>Matt Wild</b>
<b>Secretary to the Commission</b>	<b>Michael O'Connor</b>
<b>Date</b>	<b>10 May 2024</b>
<b>Hearing Type</b>	<b>Paper Hearing</b>

**Introduction**

1. On 13 February 2024 Preston North End Football Club (the Club) was charged with misconduct for breach of FA Rule E21 in respect of a match between Huddersfield Town FC v Preston North End FC on 12 December 2023 (Incident 1). The particulars of the charge were as follows:  
  
*“It is alleged that in/or around the 3rd minute of the Match, Preston North End FC failed to ensure that its spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the Match and do not use words or otherwise behave in a way which is improper and/or offensive and/or abusive and/or indecent and/or insulting with an express or implied reference to gender and/or sexual orientation, contrary to FA Rule E21.1 and E21.4.”*
2. In a separate letter also dated 13 February 2024 the Club was charged with misconduct for breach of FA Rule E21 in respect of a match between Chelsea FC

v Preston North End FC on 6 January 2024 (Incident 2). The particulars of the charge were as follows:

*“It is alleged that in/or around the 42nd minute of the Match, Preston North End FC failed to ensure that its spectators and/or its supporters (and anyone purporting to be its supporters or followers) conduct themselves in an orderly fashion whilst attending the Match and do not use words or otherwise behave in a way which is improper and/or offensive and/or abusive and/or indecent and/or insulting with an express or implied reference to sexual orientation, contrary to FA Rule E21.1 and E21.4.”*

3. On 19 February the Club admitted the charges in relation to Incident 1 and Incident 2. It elected a paper hearing. The two incidents are being dealt with as part of a rolled-up Commission hearing.

### **The Facts – Incident 1**

4. We have been provided with a witness statement from [REDACTED] dated 7 February 2024. [REDACTED] is employed by the Football Association as an On-Field Regulation Officer. The statement provides details of the investigation into discriminatory chanting during the Championship fixture between Huddersfield Town FC and the Club, played on 12th December 2023, at The John Smith’s Stadium.
5. Following a review of match footage, [REDACTED] states that he found discriminatory chanting in the 3rd minute of play. He described it as follows:-

*“Whilst the ball is passed between [Preston North End FC (PNEFC)] players, PNEFC supporters chant ‘Tangerine, Tangerine. “Your mum’s a crack whore. Your dad’s a queen”. The chant repeats three times before PNEFC #8 scores, and the crowd begin to celebrate.”*

6. We have been provided with video footage of the game. This corroborates [REDACTED] statement which we accept.

### **The Club’s Response to Incident 1**

7. On 20 December 2023, following a request for observations, from the FA about the incident, the Club provided the following response:

*“We were aware of our supporters chanting about our local rivals Blackpool during the game and the use of the chant as referenced in your email.*

*At the start of the season we warned our supporters about their behaviour and the impact it has on the club and how they could be at risk of action.*

*In the aftermath of this fixture we have used our club media to further remind supporters of their responsibilities at all fixtures.*

*We take the matter very seriously and will take the appropriate action within our remit to ensure that all supporters behave and chant appropriately and ensure that no discriminatory language is used.”*

## **The Facts – Incident 2**

8. [REDACTED] has provided a further statement, dated 8 February 2024, in relation to Incident 2. His second statement provides details of an investigation into discriminatory chanting during The FA Cup fixture between Chelsea FC and the Club, played on 6th January 2024, at Stamford Bridge Stadium.

9. Following a review of match footage, [REDACTED] states that he found discriminatory chanting in the 42nd minute of play. He described it as follows:-

*“As the ball goes out of play on the far touchline, the camera zooms on [REDACTED], PNEFC supporters begin to chant “Chelsea Rent Boys”. The camera then pans to [REDACTED] where the remainder of the chant is audible “Chelsea Rent Boys woah woah”. The chant, in full is repeated a further three times.”*

10. We have been provided with video footage of the game. This corroborates [REDACTED] statement which we accept.

## **The Club’s Response to Incident 2**

11. On 20 December 2023, following a request for observations, from the FA about the incident, the Club provided the following response:

*“As you will note from that media article, we provided a statement after that game, following what we felt was unacceptable behaviour from a very small section of our 6,000-plus travelling support at Stamford Bridge that day.*

*Our ground safety team were also well aware of the incident in question, and continue to liaise with the Metropolitan Police in relation to this matter. The Met*

*did make a number of arrests on the day and we are aware of two that have been bailed by the police and must return to London in the future to face charges – we will of course be monitoring this and working with all partners to ensure that those found guilty also face long banning orders from the club.*

*We have also spent a lot of time over recent weeks working on new ways of engaging with the supporters over inappropriate behaviours. We published the following article on our media channels last weekend, prior to our latest home game as we look to further make clear the need for fans to behave in the right way: [Report Abuse, Discrimination And Anti-Social Behaviour At Deepdale - News - Preston North End \(pnefc.net\)](#)*

*As you can see from the article, we are also further highlighting and making it as easy as possible for anonymous whistle-blowers to help us identify any serial culprits.*

*As I am sure is clear from all the above, we do take the matter very seriously and will take the appropriate action within our remit to ensure that the supporters are punished for their actions if they are identified and continue to work with all stakeholders to ensure Deepdale and our away games, are welcoming environments for all supporters.”*

12. We note that the article on the Club’s website (see the hyperlink referred to in the correspondence above) refers to reports of discriminatory behaviour by supporters not only at the Chelsea game, but also at a game involving Sheffield Wednesday which occurred between Incident 1 and Incident 2.

### **The Club’s Response to the Charges**

13. On 19 February 2024, the Club sent a letter providing further observations concerning the efforts that the Club has made to address inappropriate chanting. This included details of:-
- a. Club media relating to supporter behaviour;
  - b. A list of people who have been banned by the club together with a list of arrests relating to the chanting during the Chelsea fixture;
  - c. An example of action taken in connection with an inappropriate interaction concerning the Palestine-Israel conflict;
  - d. They operate a free-text service which is widely advertised to enable supporters to report inappropriate behaviour.
14. The Club submit that these materials are illustrative of how seriously it takes this matter and the issue of discriminatory behaviour.

15. The Club point out that this was the Club's first offence. We observe there are two charges relating to two different matches for different chants both of which were discriminatory albeit in different ways.

### **Comment**

16. We accept that the charges are proven. The Club was correct to accept each charge.

17. As to Incident 1 our impression is as follows:-

- a. The chanting was obviously discriminatory and offensive.
- b. It was loud and clear. The volume was such that the chanting was not confined to a few supporters. It is clear that it involved a substantial number of the Club's travelling fans.
- c. The FA describe the chanting as 'relatively short'. In our view the chanting lasted approximately 20 seconds. It was brought to halt by the fact a goal was scored. We have little doubt that it would have continued for longer but for the goal.
- d. The Club's initial response for observations from the FA about the incident was, in our view, flimsy. The steps taken by the Club were ineffective as demonstrated by the fact that within a matter of a few weeks, the second incident occurred. We also note the reference to the reports of another incident at the Sheffield Wednesday game which was referenced in the club's own publications.
- e. We have no information of steps taken by the Club when the chanting took place.

18. As to Incident 2 our impression is as follows:-

- a. This was a high-profile match which was broadcast on BBC1. It would have attracted a large audience. Given what we say below, this gave an extremely poor image of the game.
- b. The chanting was obviously discriminatory and offensive.
- c. It was loud and clear.
- d. We reject the assertion that the chanting was confined to a 'small minority' as the Club suggest. This was a mass chant. Whilst we appreciate that it is impossible to be precise about how many supporters were actually involved, we are entirely satisfied that the assertion that it was a '*small minority*' is unrealistic. It does the Club no credit to seek to portray the chanting in that way. A substantial number of the Club's fans must have been involved.

- e. The FA describe the chanting as 'relatively short'. Our impression was that the chanting lasted in the region of 16 seconds and was rising in volume. It was sufficiently long to create a lasting and poor impression.
- f. We have no information of steps taken by the Club when the incident took place.
- g. The Club's initial response to the FA was more detailed than its response to Incident 1. But in our view, it still fell well short of a comprehensive plan to tackle discriminatory chanting.
- h. We have been provided with evidence relating to 6 arrests for the 'Rent boy' chanting at the game. We are unclear what part the Club had to play in that regard.

19. More generally we note:

- a. We have been provided with some information to demonstrate that prior to the Chelsea game the Club's matchday information warned supporters in respect of discriminatory behaviour.
- b. We have been provided with evidence of the Club's response to an incident where a supporter called a group of Asian males in possession of a Palestinian flag 'terrorists'. A referral was made to the Fan Education Programme.
- c. We have been provided with evidence of bans imposed by the club in connection with 8 other incidents. One of which concerned misogynistic comments.

## **Sanction Guidance**

20. The FA's Policy and Guidance on the Regulation of Discriminatory Conduct (the Guidance) by Spectators begins by noting that discriminatory behaviour must be dealt with appropriately, effectively and efficiently in order to protect the integrity and image of the game; and to ensure that football really is for all.

21. The Guidance goes on to state:

*"Acts of discrimination are offensive, abusive and harm the dignity of the individuals that are subjected to them. Discrimination can affect an individual's mental health and sense of well-being, and also harm others around them. Discrimination does not just affect the recipient of the abuse and ultimately it has a significant negative impact on spectators, viewers, other participants, the integrity of football, and the public's perception of the game as a whole."*

22. As regards mass chanting:-

*“Where The FA considers there is sufficient evidence of mass discriminatory chanting by a Club’s supporters within a stadium (i.e. not an individual and/or a very small number of supporters) then a Club is likely to face disciplinary action.”*

23. Pursuant to FA Rule E21, the defence prescribed by that Rule (the ‘due diligence defence’) does not apply to a Charge of Misconduct for a breach of FA Rule E20.1 where the relevant conduct includes a reference, whether express or implied to any one or more of the following: ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

24. A Club shall however be entitled to raise as a mitigating factor in relation to the determination of sanction only the extent to which it used all due diligence to ensure that it discharged the responsibility set out at FA Rule E20.1.

25. As regards sanction the Guidance provide that, in relation to a first offence, the imposition of a dedicated action plan on the relevant Club (at the Club’s cost) is to be the primary focus. The terms of an action plan are determined by the Regulatory Commission and in view of the particular facts of each case.

26. The central purpose of an action plan is to focus on improvements that can be made by a particular Club as to the steps it can take in order to minimise the prospects of a similar incident happening again in the future. By way of example, an action plan may address (and require reviews into and/or improvements to):

- Stewarding arrangements and quality of steward training;
- Match day operational planning;
- CCTV capabilities and operator training;
- Communications issued by the club on the issue of discriminatory conduct by supporters;
- The delivery of diversity programmes and the development of proactive supporter initiatives.

27. In addition to the above, where a Regulatory Commission considers it appropriate (having regard to the particular circumstances of the case), a financial penalty may also be imposed. The financial penalty is determined with reference to a published range, which is dependent on the League in which the Club participates.

28. The guidance states:-

***“Repeat offences will be treated with the utmost seriousness, and there will be a presumption that a further action plan will not be appropriate. Whilst a Regulatory Commission may impose any penalty as provided by paragraph 40 of Part A to the Disciplinary Regulations, in such circumstances a Regulatory Commission shall consider imposing a financial penalty and/or a stadium closure (whether partial or full).”***

### **The FA’s Submissions on Sanction**

29. The FA has invited the Commission to take the following steps impose an action plan setting out the
  - a. The operational advice and/or practical measures to be carried out by the Club;
  - b. The period during which the Action Plan shall remain in force;
  - c. The external support to the Club that may be required;
  - d. The process through which the Club’s compliance with the Action Plan shall be audited by the A and the frequency with which that audit shall take place.
30. We agree that an Action Plan together with a financial penalty in respect of each incident is merited.
31. As to the Action Plan, we are grateful to the FA for setting out at paragraph 29 a proposed Action Plan. We annex to these Written Reasons the Action Plan which we require the Club to implement.
32. The FA submit that additionally a fine should be imposed in respect of each incident.
33. The Commission may impose a financial penalty commensurate with Table 1 of the Sanction Guidelines which provides for a fine in the range of £5,000 to £75,000 for an EFL Championship Club in respect of each offence.
34. We note that the Guideline indicates that the emphasis for a first offence should be on the Action Plan but a subsequent offence will be regarded with the utmost seriousness.
35. In respect of each incident we take account of the Club’s admission of the charge (although in our view the Club had no choice in respect of each incident).



Nevertheless, we given them credit for that in setting the fine in each case. We accept that in each instance it took some action.

36. As to Incident 1 we impose a fine of £10,000 after taking account of the mitigation referred to above.
37. We consider Incident 1 aggravates Incident 2. We also consider that Incident 2 occurred in a high profile fixture and painted a particularly the poor impression of the game. Accordingly, Incident 2 merits a fine of £30,000 after taking account of the mitigation referred to above.
38. We do not consider a partial or full stadium ban is merited on this occasion.
39. In the circumstances, we consider the overall penalty should be one of £40,000.
40. We do not consider that there is any clear or compelling reason why any of the fine should be suspended.
41. There is a right of appeal from this decision as provided for by the Disciplinary Regulations.

**Dominic Adamson KC**

**Phil Rainford**

**Matt Wild**

**24 May 2024**

**IN THE MATTER OF A FOOTBALL ASSOCIATION INDEPENDENT  
REGULATORY COMMISSION**

**B E T W E E N :-**

**THE FOOTBALL ASSOCIATION  
and  
PRESTON NORTH END FC**

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**APPENDIX TO THE DECISION AND WRITTEN REASONS OF THE  
INDEPENDENT REGULATORY COMMISSION**

**ACTION PLAN**

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1.) Preston North End FC ('the Club') shall forthwith conduct a full review of its stewarding management, provision, briefings, deployments, and quality of steward training. Existing processes should be closely examined to ensure quality steward incident reporting (verbal and written) is in place to support proportionate reactions to match day incidents and potential post-match investigations. The review should, in particular, deal with discriminatory behaviour to ensure that the prevention and detection of any discriminatory or inappropriate behaviour is sufficiently addressed.

2.) The Club shall develop a detailed operational protocol in support of its safety management and stewarding teams; to be fully briefed to all staff and stewards prior to every match including how it is to be implemented following any report of discriminatory, abusive or offensive chanting or behaviour within the stadium.

This should include:-

- a.) step by step match day protocols
- b.) supporter / steward reporting methods
- c.) prepared public address messages to assist in the prevention, reaction towards and detection of offenders – pre match/during match or post any incident of discriminatory chanting or behaviour.

3.) The Club shall designate a senior officer or employee of the Club as the person with primary responsibility for the development, implementation and monitoring of this Action Plan. Such person should consider liaising with other clubs from the EFL, to obtain best practice policies associated with the prevention and detection of discriminatory and inappropriate behaviour, and shall thereafter regularly review and develop their own existing and new policies.

4.) The senior officer or employee of the Club referred to above shall:-

a.) liaise with the club's Dedicated Football Police Officer (DFO) prior to every home fixture to ensure all appropriate intelligence relating to both home and away fans and their potential or expectant behaviour is duly risk assessed, especially relating to discriminatory behaviour, and requisite mitigations applied as required.

b.) liaise with the visiting club to establish the composition of the travelling party including, Players, Backroom staff, directors and Club guests in order to evaluate and risk assess any potential targets of discriminatory behaviour from the supporters.

c.) liaise with the appointed Match Officials to evaluate and risk assess any potential targets of discriminatory behaviour from the supporters, and to ensure that the Match Officials are actively briefed (verbally and written) on how they should report and otherwise deal with any discriminatory behaviour in conjunction with the Safety Officer.

d.) have responsibility for ensuring that all such information is then addressed at the pre-match meetings and briefings of both the management group and stewards.

5.) The Club shall:-

a.) develop new and enhance existing - proactive supporter initiatives in addressing the potential for discriminatory or other inappropriate supporter behaviour.

b.) develop ongoing positive dialogue with *Kick It Out* and other local organisations to further enhance their relationships by seeking advice and ratification of new and developing associated policies and procedures.

c.) develop additional supporter and steward educational programmes in conjunction with *Kick It Out* and other local organisations to include the issues associated with the potential inappropriate usage of words, chanting, gestures or conduct associated with ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability, including supporter education programmes especially in the raised awareness of acceptable fan behaviour.

6.) The Club shall develop a Club Supporter Charter which shall include relevant and specific information on discriminatory or offensive chanting, words or behaviour, in an effort to educate supporters on what language and actions are acceptable/unacceptable at their stadium. The Club shall further develop its Club Supporter Charter listing relevant match day offences and associated sanctions, in particular relating to discriminatory behaviour. The Club shall also create a Fan

webpage on their Club website which will reference the revised Charter, and any relevant match communications, likely to affect supporter behaviour as appropriate.

7.) Prior to each match the Club shall publish warnings to its supporters against the use of discriminatory and other inappropriate supporter behaviour and language. Such warnings

- a) shall be published on the Club's website and social media outlets, whether as a standalone warning, and for away fixtures as part of a 'Travelling Fans Guide', and
- b) shall be communicated directly, whether by text or other suitable means, to those supporters that the Club knows have purchased tickets for the relevant away game and/or are travelling to the relevant away game

8.) The Club shall develop and deploy

- a.) match day PA announcements before and during a match;
- b.) printed messages in its match day programme, on any screens, on advertising boards and on stadium advisory posters; and
- c.) content on the Club website and social media platform

to proactively target the prevention, usage and detection of any potential discriminatory words and/or behaviour. Such announcements, messages and content (i) shall make clear in plain effective language that discriminatory abuse is offensive, may be criminal and will not be tolerated by the Club, and (ii) must also be supported by clear reporting methods and facilities.

9.) The Club shall ensure that, as a minimum method of reporting, it has an appropriately advertised mobile number text line for anyone wishing to report (anonymously if they wish) misconduct of others in real time during a match in order that the Club may take immediate action as appropriate.

10.) The Club shall continue to develop and publicise the Club's policies in relation to Equality, Diversity and Inclusion which must

- a) include a prominent 'Discrimination' section containing relevant and specific information on all aspects of discriminatory and offensive words and behaviour in an effort to educate supporters on what language and actions are acceptable / unacceptable, whether at home or away fixtures.
- b) Publicise (or re publish) both the Club's Text reporting system and Acceptable Behaviour Policy to supporters, in particular supporters committing acts of discriminatory behaviour both at home and at away fixtures to include offences and associated sanctions, in particular relating to discriminatory behaviour.

11.) The senior officer or employee of the Club referred to above shall :

a.) prior to any away fixture for the Club, liaise with the host club to communicate the composition of their travelling party including, Players, Backroom staff, directors and Club guests in order for the host club to be able to evaluate and risk assess any potential targets of discriminatory behaviour from their own supporters.

b.) exchange any pertinent, expectant, potential or historical intelligence with the host club, relating to the behaviour of the Club's travelling fans; in particular relating to any instances of discriminatory behaviour, in an effort to support the host club in their associated operational planning, responses and risk assessments.

12.) The Club shall:-

Supply the host club with full contact details of the Club's Supporter Liaison Officer (or similar).

- The Supporter Liaison Officer shall travel to all away fixtures and liaise with the host club and its stewarding operations,
- provide liaison and close communication with the Club's travelling fans at the stadium (appropriately risk assessed),
- act as a communications link between the travelling fans and the host club,
- seek to formulate evidential reports concerning any misconduct associated with the Club's travelling fans,
- develop and collate appropriate intelligence on the Club's travelling fan base.
- Provide a detailed report post fixture to the senior officer or employee of the Club responsible for the action plan as to the behaviour of the travelling fans and any issues of concern or contravention of FA regulation.

13.) Upon publication of the Regulatory Commission's Written Reasons, and this Action Plan, Preston North End ('the Club') shall communicate via the Club website, via social media and in the match day programme prior to its next home match:-

a) The fact and background to the Charges, including the fact that it involved abusive, offensive, homophobic, discriminatory chanting by Club supporters at two away matches against Huddersfield Town and Chelsea FC.

b) The Club's condemnation of the chanting that underpinned the Charges and the fact that it has a zero-tolerance policy towards discriminatory abuse of all kinds.

c) Further it should state that those responsible were committing a criminal offence and anyone subsequently identified will be banned.

d) The fact that this resulted in the Club being charged with two separate offences, and found guilty of Misconduct under the FA Rules, being warned as to its future conduct and having an Action Plan imposed upon it, together with two fines totalling £40K, to prevent any recurrence of the Misconduct.

e) The Club's intention to develop existing initiatives to make it more inclusive and more proactive in the prevention and detection of any potential discriminatory or inappropriate words or behaviour in the future, at both home and away fixtures

14.) This action plan shall remain in place until the end of season 2024/2025.

15.) The FA shall monitor the Club's compliance with this action plan by way of two match day audits, whereupon the club shall exhibit all requisite material to the FA representative in attendance.