

Football Association Disciplinary Commission

(‘The ‘Commission’)

In the matter of Springfield Sportsbar FC (Case number 10457204M)

Disciplinary Commission Decision

4 November 2021

1. The following members were appointed to the Commission: Ms. Stacy Newnham-Payne (Independent Chairperson), Ms. Jane Hodge and Mr. Ian Stephenson.
2. Ms. Hayley Mather of the Lancashire FA acted as Secretary to the Commission.
3. Springfield Sportsbar FC was charged with a breach of FA Rule E20 in relation to failing to ensure their players/officials/spectators/followers conducted themselves in an orderly fashion. It was further alleged that during the match, a spectator/follower used offensive, insulting and/or abusive words which included a reference to sexual orientation.
4. The relevant sections of FA Rule E20 and FA Rule E21 (p. 119 of the FA Handbook Season (2021-2022) states:

E20: Each Affiliated Association, Competition and Club shall be responsible for ensuring:

that its directors, players, officials, employees, servants, representatives, spectators, and all persons purporting to be its supporters or followers, conduct themselves in an orderly fashion and refrain from any one or combination of the following: improper, violent, threatening, abusive, indecent, insulting or provocative words or behaviour, (including, without limitation, where any such conduct, words or behaviour includes a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability) whilst attending at or taking part in a Match in which it is involved, whether on its own ground or elsewhere; and that no spectators or unauthorised persons are permitted to encroach onto the pitch area, save for reasons of crowd safety, or to throw missiles, bottles or other potentially harmful or dangerous objects at or on to the pitch.

E21: Any Affiliated Association, Competition or Club which fails effectively to discharge its said responsibility in any respect whatsoever shall be guilty of Misconduct. It shall be a defence in respect of charges against a Club for Misconduct by spectators and all persons purporting to be supporters or followers of the Club, if it 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.

This defence shall not apply where the Misconduct by spectators or any other person purporting to be a supporter or follower of the Club included a reference, whether express or implied, to any one or more of ethnic origin, colour, race, nationality, religion or belief, gender, gender reassignment, sexual orientation or disability.

5. This case was brought by Derbyshire FA following a complaint made of words and conduct at a match played on 13 June 2021. It was alleged the improper, violent, threatening, abusive, indecent, insulting and/or provocative words and/or behaviour contrary to FA Rule E20 made reference to sexual orientation. Such references included "get up you faggot" and/or "fuck gays" and/or "fuck gay pride" and the making kissing sounds towards an Ashby United Community Football Club player wearing rainbow laces. Further, a pyrotechnic device was thrown onto the field of play
6. Springfield Sportsbar FC formally responded to the charge, pleaded not guilty and requested that the matter be dealt with at a personal hearing. The burden of proof was on Derbyshire FA to prove on the balance of probability; meaning the Commission would be satisfied an event occurred if it considered that, on the evidence, the occurrence of the event was more likely than not.
7. The matter proceeded and the charge was read. The Commission proceeded to consider the evidence in support of the charge; the first statement being that of Mr. Oscar Blair-Park. The Commission noted the submission received and Oscar was invited to add, retract or change the content of the same. This offer was declined.
8. Oscar stated that he did not know the 'blonde winger' (opposing player) but was certain that he heard him call another player "**faggott**" and not fanny. He confirmed there was a further incident when this word was used, by the same player, and he believed it was used against him. He stated that he heard opposing players shout "**puffs**" on a few occasions when his players went down on the pitch but was unable to assist with names or shirt numbers. Further, he was of the view at times similar derogatory comments were heard by him uttered by Springfield spectators. He was certain the crowd were Springfield Spectators having observed their cheers whenever Springfield scored. He stated that he did not mention it to the referee at the time and explains that having experienced this so often he had become used to it and that had it not been for the incident against Callum he would not have said anything at all.

9. When questioned about the incident concerning Callum, he described having witnessed him to be appearing uncomfortable. He stated that he was the closest player to him, and the Springfield Spectators were just behind him. He reported to know Callum very well and to be someone who did not usually get upset about things. He accepted that his evidence was limited on this point and that it was simply based on how it felt and appeared to him.
10. Mr. Callum Prince was next to be called to give evidence. The Commission noted the submission received from Callum and he was invited to add, retract or to clarify any part of the same. This offer was declined.
11. Callum reported suffering abuse from the crowd positioned behind him on and off during the whole second half. He described the crowd to have congregated largely at the corner flag; with a few more dispersed along the side and up to the centre line. He stated abuse included being called a **"faggott"** and **"gimp"** and being asked if his father had touched him when he was a kid. Further, comments included **"fuck gays"** and **"fuck gay pride"**.
12. Callum confirmed that he knew Mr. Darren Cooke to be the manager of Springfield Sportsbar FC but could not remember where he was stood throughout the game. He stated that he was confident the crowd behind him during the second half were Springfield spectators because they cheered whenever Springfield scored and/or when players performed well. Further, he would be congratulated if he called an incident in Springfield's favour.
13. He explained that during water stoppage he approached the referrer to complain about the **"disgusting language"** but accepted that he may have not mentioned such was homophobic and/or fell short of impressing the severity of the situation. Callum averred that he has since regretted not fully impressing his upset and explained being fearful of **"kicking up too much of a stink"**. Further, he stated that he did not want to let his team mates down should his complainant have forced the game to stop. He stated that he froze in the moment and had since regretted not walking off. Further, he recalled one of his players towards the end of the match was quite badly injured and the injured player's welfare was his primary focus. He stated that he simply wanted to **"just get out of there"** and has continued to struggle to talk about what happened. He was aware of another game taking playing on the opposite pitch but could not assist with details as to when such began or ended.
14. Mr. Ben Windridge was next to be called to give evidence. The Commission noted the submission received from Ben and he was invited to add, retract or to clarify any part of the same. This offer was declined.

15. Ben reported to the Commission that from his recollection the Springfield spectators were all gathered on one side, and it was one of them that had let off the flare. He recalled being fouled and pushed over on the field when positioned very close to the spectators. He was certain one of them shouted "**get up you faggot**". He was adamant it was said by a Springfield fan. He stated that he only heard it once, that it came from the direction of the side-line where the fans were stood. He described them being to his right side and only 5-6 yards away when he heard the comment.
16. Ben explained that he immediately reported it to the referee and was confident that he stated he had been subjected to homophobic slurs. He stated that it was hard to say why the referee acted the way that he did and that it seemed to him it was like the referee simply did not want to hear about it. He suspected it may have had something to do with there being over 100 people in attendance.
17. He recalled seeing the flare be discharged and it was when his team were up '2 nil'. He was certain it came from the Springfield fans as he saw it be set off and thrown. He was unable to assist the Commission with information regarding the other game being played on the adjacent pitch. Further, he did not hear any abuse being directed at Callum.
18. Following the evidence of the county witnesses, the Commission invited Mr. Darren Cooke to offer his version of events. Darren described there to have been a gang of youths present but that he did not feel it was his responsibility to approach them. He did not hear any of the abuse alleged and impressed upon the Commission that he did not accept the "gang" were Springfield supporters. He explained one of the teams playing on the adjacent pitch was also a Swadlincote team and so suggested that the "gang" may have been interested in both games as they would wish to watch teams from their own county.
19. Darren took time to explain the layout of the pitch and ensured the Commission noted the same was on an open park. Further, others would have been present as England were playing. He stated that at no time did he see the "gang" jumping up and/or cheering but accepted that they were loud and boisterous. He stated that he did not feel intimidated by the "gang" but impressed again that he considered it was the duty of the referee to approach them as he did not accept that they were his clubs supporters.
20. Mr. Brad Walsh was next to be called to give evidence. The Commission noted the submission received from Brad and he was invited to add, retract or to clarify any part of the same. This offer was declined.
21. Brad explained to the Commission that he had called his team mate a "**fanny**" in gest and insisted that at no time did he use the word "**faggot**". He impressed upon the Commission that no disrespect

was intended, that it was in the heat of the moment and was only towards his friend. He stated that he came off the field of play due to being injured and that he did not watch much of the second half. He accepted that he may have heard a "raucous" at times but was unable to help the Commission any further in this regard. He recalled the flare being let off from the top left side of the pitch and accepted that it came from "their side" but stated that he did not know who it came from. He described all Ashby supporters to be on the other side, that there were about 100 people present but also confirmed that there were a few random people present (on their side) and that he was not familiar with.

22. Mr. Darren Hickling was next to be called to give evidence. The Commission noted the submission received from Darren and he was invited to add, retract or to clarify any part of the same. This offer was declined.
23. Darren recalled a flare being let off on the pitch and initially confirmed it was Darren Cooke who removed the same but later came to accept that it was in fact one of their coaching staff. He stated that he did not see who had thrown the flare, described there to have been around 100 people present but was unable to assist much as he was focused on playing the game. He insisted that the two identified pitches were positioned close together and suggested that there may have been a close gathering of their fans and Swadlincote Spartan fans. Further, he described people coming down the hill in dribs and drabs as there was a "big England game" on that day. He recalled hearing Brad use the word "fanny" and confirmed it was directed at Brad very close team mate. Darren insisted that they were really good mates who often went on holiday together and that no offence would have been intended or indeed suffered.
24. Finally, the Commission heard from Ms. Sally Cooke. The Commission noted the submission received from Sally and she was invited to add, retract or to clarify any part of the same. This offer was declined.
25. Sally explained that she largely stood around the halfway line but during the second half she was wandering around litter picking. She stated that there was a large gathering of people and that the Ashby fans were on the opposite side. She described the Springfield fans being positioned close to the management team of the club paying on the adjacent pitch. She stated that their team often had "regulars" attend to watch the game but that on the day in question there were a lot of people who she did not recognise. At no time did she hear abuse directed at Callum or at all. Further, she recalled seeing smoke from the flare but did not see where it landed. She insisted the same was dealt with very quickly.

26. Darren was invited to offer to the Commission his closing submissions on behalf of Springfield Sportsbar FC. He impressed on the Commission that the wording of the E20 charge required a finding that the "gang" in question were in fact their supporters. He insisted that they were not, that they were not people he would want 'hanging' around his team, that the rule did not work when considering games played in open parks and that he did not feel he could approach the group and ask them to leave.
27. He stated that at no time did he hear the racial slur alleged and that he was regularly walking around the field of play and would have likely heard the same. He reminded the Commission that at no time did Callum approach him to complain of the abuse and/or that he felt the matter was getting out of hand. He later came to suggest that he was disgusted when he heard the allegations.
28. With regards to the flare, he reminded the Commission that no one was hurt, that it was dealt with very swiftly and that he did not know who had thrown the same.
29. He confirmed that he felt Springfield Sportsbar FC had received a fair hearing.
30. The Commission took time to consider all the evidence and to deliberate upon the same. The Commission were aware for the charges to be made out in full in this instance, it had to determine:
 - a) Whether alleged words/conduct were said/displayed;
 - b) Whether the words used/conduct displayed amount to a breach of E20;
 - c) Whether words/conduct that were said/displayed also an "Aggravated Breach" namely in respect of gender.
31. The Commission unanimously found, upon the balance of probabilities, the E20 charge proven. The Commission found Springfield Sports FC had failed to ensure their players conducted themselves in an orderly fashion. Further, the Commission was satisfied that an "Aggravated Breach" had been proved and so on this occasion Springfield Sports FC could not rely upon a defence in accordance with E21. The Commission found, on this occasion, the definition of 'spectator' and/or 'follower' had been met and so the offence was caught under E20. The Commission was persuaded by the evidence of the County witnesses; in particular that of Mr. Callum Prince.
32. The Commission proceeded to determine sanction and consulted the 2021-2022 Sanction Guidelines. Springfield Sportsbar FC's record was considered, and it was noted there were two relevant prior charges. The Commission found the offence to be within the 'High' category and agreed that the matter was sufficiently aggravated to consider a greater sanction above the guidelines. The

Commission took the view the throwing of the flare was reckless and noted it was sheer good luck that no one was seriously injured. Furthermore, the Commission accepted Mr. Callum Prince had suffered from a lengthy torrent of abuse. These factors amounted to aggravating features that warranted an increased penalty; namely:-

- a) Fine of £175;
- b) 10 disciplinary penalty points; and
- c) Severe warning as to their future conduct

33. This decision is subject to the right of appeal in accordance with the relevant regulations within The FA Handbook.

Stacy Newnham-Payne

Chairman

4 November 2021