

**RUGBY FOOTBALL UNION**

**DISCIPLINARY HEARING**

**VENUE: Holiday Inn, Coventry**

**DATE: 18 February 2010**

**IN THE MATTER OF**

**Coventry RFC (“CRFC”); and**

**Birmingham & Solihull (“B&S”);**

**AND IN THE MATTER OF**

**Rule 5.12 of the Rules of the Rugby Football Union**

**Match:** Coventry RFC v Birmingham & Solihull

**Venue:** Coventry

**Date of match:** 5 February 2010

**Panel:** Jeremy Summers (Chairman), John Brennan and Bob Taylor (“the Panel”)

**Secretary:** Bruce Reece-Russel

**In attendance:**

Coventry

Peter Rossborough - Chairman

Phil Maynard – Director of Rugby

Andrew Carpenter - Board Member

Chris Gregory - Director

Birmingham & Solihull

Russell Earnshaw – Player/coach

Terry Dixon – Director

Eugene Martin- Assistant Coach

Stuart Philpot – Club Captain

RFU Referees

Peter Emberson – Match Observer

## DECISION

### Coventry

1. CRFC was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union, and is sanctioned as follows:
  - a) CRFC is deducted 5 league points, such deduction being suspended for 12 months from the date of this hearing.
  - b) The suspension will be activated, if within that time, i.e. before 17 February 2011, the Club and/or any player and/or official is charged with an offence contrary to Law 5.12 of the Laws of the Rugby Football Union. For the avoidance of doubt this period of suspension will be operative throughout the forthcoming relegation play off period.
  - c) CRFC is further fined £1,500 to be paid within 21 days of receipt of the RFU invoice issued in respect of this fine.
  - d) CRFC is issued with a severe reprimand and warned as to its future conduct.

### Birmingham & Solihull

2. B&S was found guilty on its own admission of an offence contrary to Law 5.12 of the Laws of the Rugby Football Union, and is sanctioned as follows:
  - a) B&S is deducted 5 league points, such deduction being suspended for 12 months from the date of this hearing.
  - b) The suspension will be activated, if within that time, i.e. before 17 February 2011, the Club and/or any player and/or official is charged with an offence contrary to Law 5.12 of the Laws of the Rugby Football Union. For the avoidance of doubt this period of suspension will be operative throughout the forthcoming relegation play off period.
  - c) B&S is further fined £1,500 to be paid to be paid within 21 days of receipt of the RFU invoice issued in respect of this fine
  - d) B&S is issued with a severe reprimand and warned as to its future conduct.

## PRELIMINARIES

3. The Panel convened to hear the following matters:

### COVENTRY RFC

#### STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

#### PARTICULARS OF OFFENCE

On the 5th February 2010, Coventry RFC personnel entered the ground (as defined in the iRB Laws of the Game Rugby Union 2009) and became involved in a brawl with players and/or other personnel from Birmingham RFC (approximately 33<sup>rd</sup> minute of the second half), these acts being prejudicial to the interests of the Rugby Football Union or the Game.

## BIRMINGHAM & SOLIHULL RFC

### STATEMENT OF OFFENCE

Conduct prejudicial to the interests of the Union and/or the Game contrary to Rule 5.12 of the Rules of the Rugby Football Union 2009 – 2010.

### PARTICULARS OF OFFENCE

On the 5th February 2010, Birmingham & Solihull RFC personnel entered the ground (as defined in the iRB Laws of the Game Rugby Union 2009) and became involved in a brawl with players and/or other personnel from Coventry RFC (approximately 33<sup>rd</sup> minute of the second half) these acts being prejudicial to the interests of the Rugby Football Union or the Game.

4. Both clubs had previously indicated an intention to plead guilty to the charges brought against them, and formally entered pleas to the charges before the Panel.
5. The Chairman and Mr Brennan indicated their support of Moseley RFC and no objection was taken to the composition of the Panel.
6. There was debate, which at times was robust, as to whether one club could be viewed as being more sinned against than sinner. The Chairman explained, that with the exception of Mr Philpott, against whom a separate charge had been raised, on the evidence known to the RFU the matter had been brought before the Panel on the basis that the events in question involved unedifying scenes for which broadly speaking each side was equally culpable. However, before the Panel, Mr Emberson indicated that he had information as to the identification of one those involved that he had not wanted to, and had not, included in his written report submitted to the RFU<sup>1</sup>.
7. The Chairman made plain that if either club wished to proceed with an inquiry with a view to determining the identity and/or status of the personnel concerned they were at liberty to do so, and that such inquiry could potentially benefit or prejudice either club. After consideration, both clubs indicated that they did not wish to proceed in that way and were content that the matter be dealt with on the basis as explained by the Chairman in the preceding paragraph.
8. No other preliminary matter arose.
9. The Panel considered:-

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<sup>1</sup> The Panel would be concerned if any practice evolved whereby officials submit reports detailing only what they believe the RFU and/or a Disciplinary Panel may need to be aware of. It is hoped that such concern will be addressed by relevant parties.

- a. A written report and oral evidence from Peter Emberson the Match Observer appointed to the game.
- b. A written report from Steve Savage the RFU Referee Panel Development Officer present at the game.
- c. A written report from the Assistant Referee.
- d. A written report from Michael Doyle, CRFC Operation Director.
- e. Oral Submissions on behalf of both clubs.
- f. Minutes of the CRFC internal Disciplinary Committee.

### OVERVIEW

10. On 5 February 2010 CRFC hosted B&S in a Championship game at the Butts Park Arena. The events in question took place in the second half and were recorded by Mr Emberson in his written report as follows:

*“Tempers were obviously rising as we went into the final quarter. [He then reported a series of collapsed scrums]... [The Referee] spoke to the captains and restarted with a scrum which collapsed again (2/34) but he told B9 to use it and play went on with the 2 front-fives standing up to brawl. AR2 had gone with play so wasn't there to manage it and Andrew followed play ignoring the fight despite being told by a player about it (responded with “I'm not worried about that, TJ'll get it”). Players from both benches came onto the pitch to join the brawl but play went on for another 20-30 seconds before he stopped the game (over 40 seconds since the ball came out of the scrum). By the time Andrew got there it was almost over and he quickly stopped it.”*

11. The report concluded with this passage, that perhaps most succinctly described the gravamen of the offending (emphasis added):

*The mass brawl lasted over a minute all told with only about 8 players who should have been on the field involved but the extra 12-14 people from both benches added to the confusion resulting in some 20 people pushing and throwing punches on the half-way line, close to the touch-line right in front of the spectators in the stand.”*

12. In oral evidence before the Panel Mr Emberson confirmed his report and noted that the temperature of what was a local derby game, to which was added the spectre of relegation, had clearly been rising in the minutes leading up to the incident. He was then candid in his view that the incident could have been prevented had the match officials dealt with the events as they unfolded in a different way.
13. The DVD footage had followed play and therefore did not show the incident, although there was some audio tape of the conversation between the match officials<sup>2</sup>. Mr Emberson had himself been following play and thus only saw the start of the incident out of the corner of his eye. The non-playing personnel involved were all wearing team attire and thus it was difficult to identify individuals or to determine whether they were substitutes or other officials. As already noted, Mr Emberson had not included such identification detail as he might have had in his written report because he did not think it was fair to do so.

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<sup>2</sup> This was not available at the hearing and neither club indicated that they wished it to be considered as part of their case.

14. No injuries resulted from the incident and the Panel was not advised of further problems having arisen thereafter.

## **MITIGATION**

### **Birmingham & Solihull**

15. Mr Dixon apologised on behalf of the club and indicated that no issue was taken with Mr Emberson's written report. B&S took its responsibilities on behalf of the game very seriously and greatly regretted the incident. The club had not been previously involved with a problem of this nature and would strive to make sure it did not happen again.
16. The matter had been raised with the playing squad who were aware that the club might still impose sanctions upon the squad following this hearing.
17. Mr Earnshaw, who has been with England 7's squad in Las Vegas at the time of the incident, indicated that whilst his subsequent inquiries had suggested that the incident largely consisted of "chest puffing", it represented a loss of control that the club would not tolerate.

### **Coventry**

18. Mr Rossborough accepted without hesitation that there had been a loss of control that had no place in the game. Whilst there were reasons why the incident had occurred there were no excuses. He noted that it was a local derby, that there had been a series of collapsed scrums, the intervention of the Birmingham hooker who had already been substituted and the role of the Assistant Referee. However he accepted that the incident had tarnished the reputation of the club and this was very much regretted.
19. The club had held an internal disciplinary meeting on 16 February 2010. As a result 5 bench players who had entered the field and so contributed to the scenes described by Mr Emberson had been required to undertake 20 hours of community service at a local school. Suspensions and fines had also been considered but, in all the circumstances, the club had determined that such sanctions would have been too harsh.
20. The Director of Rugby has also reminded all players of the spirit in which the game must be played and has been asked to make this a recurring theme in his interaction with the squad.
21. The club is also addressing relevant health and safety issues arising from the incident.

## **RULING**

22. Both clubs properly admitted the offence and the Panel accordingly found the single charge brought against each club to have been proven.
23. There is no prescribed tariff for a breach of Rule 5.12, and any sanction accordingly lies within the discretion of the Panel. However in exercising that discretion the Panel felt it necessary to consider the view of the RFU Disciplinary

Officer that, in instances where incidents such as the events in question lead to the abandonment of a match, a deduction of points is the necessary sanction.

24. Whilst this incident did not lead to the game being abandoned, the Panel would have ordinarily considered that, having regard to the Disciplinary Officer's view referred to above, a deduction of points would have been necessary. The pertinent factors in this regard were as follows:

- The offending involved Championship Clubs who are rightly expected to be at the forefront of demonstrating adherence to the Rugby Football Union's Core Value Programme.
- The offending involved personnel from both clubs improperly entering the ground and becoming involved in mass brawl that lasted for over a minute in full view of the main stand<sup>3</sup>.
- The game was a local derby and thus it should be anticipated, and hoped, that the crowd would include a great many youngsters for whom the game should have acted as a shop window to attract their involvement in and love of the game.

25. However, in view of the unique circumstances of the RFU Championship relegation play offs, and the fact that both clubs will compete in those play offs, this season, the Panel considered that in this instance a deduction of points would in effect be redundant.

26. Whilst therefore a suspended sentence might generally be viewed as a more lenient form of sentence, on the precise facts of this case the Panel considered that a suspended sentence was a more meaningful sanction.

27. In particular, in suspending a deduction of 5 league points for 12 months the Panel specifically intend that the suspension will apply, and can be activated in during the relegation play off period. As such, and whilst it is very much hoped that this situation will not arise, the sanction could have a material effect on this year's relegation. It will be appreciated that both clubs will have to play each other at home and away during the play off's and this suspension will therefore underscore the need for them to demonstrate the responsibility that the Core Values Programme requires.

28. In these particular circumstances therefore the Panel determined that a suspended points deduction was the sanction that most accurately addressed the seriousness with which incidents such as these must be viewed. In so doing, it is stressed that the ruling should in no way be viewed as suggesting that a suspended sanction would normally be appropriate, and that the decision is specific to the unique factors before this Panel.

29. In light of that fact, and taking into account that the suspension did not afford an immediate sanction, the Panel concluded that a financial penalty should also be imposed.

30. The Panel had no information before it as the clubs current financial status but had regard to the well known difficulties that both have faced this season. It nevertheless also had regard to the fact the clubs are likely to attract considerable gates, and attendant revenue streams, during the play offs.

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<sup>3</sup> The evidence indicated that the non-playing personnel involved in the brawl outnumbered the players which is a wholly unacceptable fact in itself.

31. The Panel therefore determined that a fine of £1,500 was an appropriate level of penalty, but again stress that no precedent can be taken from that sum. It should be noted that the fines will be payable in the normal 21 day period following receipt of the RFU invoice demand, and so before the commencement of the play offs.

### **COSTS**

32. CRFC and B&S are each ordered to pay costs of £200, payable within 21 days of receipt of this judgment.

### **RIGHT OF APPEAL**

33. CRFC and B&S were advised of their right of appeal. Such appeal must be lodged with the RFU Discipline Department by not later than 10.00 hours on the 14<sup>th</sup> day following receipt of this judgment.

### **COMMENT**

34. **The Panel notes, and commends, the action taken by both clubs. Incidents of this nature however have no place in the game of rugby football, but worryingly are becoming more common. They strike at the heart of the game's ethos and the RFU's Core Values programme. As such all clubs, at whatever level, should be left be in no doubt that disciplinary panels will impose sanctions, which if necessary will become increasingly severe, to ensure that this is not a problem which is allowed to blight the image and reputation of the game**

Jeremy Summers  
Chairman  
20 February 2010