

## **RUGBY FOOTBALL UNION**

### **DISCIPLINARY HEARING**

**Venue:** Holiday Inn, Junction2, M6

**Date:** 31st Jan 2011

### **JUDGMENT**

**Panel:** HHJ Sean Enright, Peter Howard and John Brennan

**Attending:** Wellesbourne RFC  
Jamie Cotterell, Player  
Joseph Aston, Player  
Stuart Hall, Chairman of Wellesbourne  
Christopher Thomas, Captain of Wellesbourne

Copsewood RFC  
Christopher Morgan, Treasurer  
Gavin Palk, Hon Secretary  
Roland Thomas, member

Observers  
William Harbage QC  
Geoff Payne

**Secretariat:** Bruce Reece-Russel, Secretary to Panel  
Brenda Parkinson, RFU Discipline Dept

The Panel were convened to consider a match played between Copsewood RFC and Wellesbourne RFC on 8<sup>th</sup> January 2011 which was abandoned as a result of a brawl between players following alleged match official abuse by players and dissent. These circumstances gave rise to a 5.12 charge against both clubs.

The Panel also convened to consider the sending off of two Wellesbourne players; Jamie Cotterell, who was sent off for dissent (although the facts disclosed match official abuse); also, Joseph Aston, who was sent off for striking with his fist.

1. The parties did not object to the composition of the Panel.
2. Both Clubs admitted the 5.12 charge. Aston admitted a charge of striking contrary to Law 10(4)(a). Cotterell admitted a charge of match official abuse, contrary to Law 10(4)(s).

### Evidence as to Fact

3. We considered a number of reports from the referee, Mr Phil Everitt which showed that the game was uneventful until the second half when Copsewood began to get on top and Wellesbourne started to lose their discipline. The referee asserted that he was subjected to repeated dissent from the Wellesbourne captain, coaches, players and supporters. Jamie Cotterell expressed dissent in terms which amounted to an allegation of bias. Mr Aston struck another player with his fist a number of times.

We read a statement of mitigation from Mr Hall chairman of Wellesbourne RFC and from Christopher Morgan of Copsewood.

### Mitigation

4. We heard from Mr Hall who amplified his statement and, despite the promptings of a colleague, persisted in trying to demonstrate that the referee was incompetent. This carried with it the unspoken assertion that the conduct of Wellesbourne players, coaches and supporters was thereby mitigated. We observe that there are no circumstances in which conduct of the kind complained of can ever be justified or condoned.
5. Mr Hall told us that both Players who had been sent off were fined by the Club, £20 in respect of one and £30 in respect of the other. No other sanction was imposed on these players or the Club coaches. We found these penalties to be derisory.
6. We also heard from Mr Palk on behalf of Copsewood, whose submission we found to be thoughtful and measured. He asserted that Copsewood were less culpable. No allegation of match official abuse had been made against his players and nor had any of his side been sent off. The sole measure of their culpability was their involvement in the mass brawl which resulted in the abandonment of the game. We accepted his analysis. He relied on the fact that his club had entered a guilty plea and that they had no prior disciplinary findings.
7. Mr Palk also told us that there was no disciplinary committee in the Club, because as he put it, it is a small club and all the work is done by a few people. No internal disciplinary action had been taken by the Club. We digress to observe that every club must have a disciplinary committee and we expect all clubs to take swift and effective action in circumstances such as these.
8. We heard that both clubs were small in terms of members and that they were of very limited means. It seemed to us that those who run these two Clubs may have failed to promote and maintain discipline in their Clubs, but nonetheless they have the best interests of the game at heart and we were not persuaded that punitive measures which might

affect the ability of these clubs to survive were necessary. We therefore held back from imposing substantial financial penalties and it seemed to us that a consequence of this was that the range of meaningful penalties was largely limited to deductions in match points. To the extent that the penalties we impose depart from established guidance, we have done so for the reasons set out above.

### Sanctions

9. Both Clubs are sanctioned as follows. Both Clubs will write a letter of apology to the referee. Both Clubs will circulate this judgment to all players and members. The match will be recorded as a nil – nil draw. No league points will be awarded for this game. Wellesbourne will be deducted 14 league points. Copsewood will be deducted 8 league points.
10. Wellesbourne will pay over the fines levied on Aston and Cotterell. This money will be paid to the RFU as if it were a fine. The sum of £50, therefore, will be paid to the RFU forthwith.
11. In relation to Joseph Aston we found that he struck a number of blows which were intentional. The punches connected but there was no evidence of injury or that the player he struck was particularly vulnerable, but the offence was complete as opposed to an attempt. We were not able to find any aggravating features. In his case there was some mitigation, namely an admission of guilt, he had no prior record of offending and he was obviously remorseful. In his case we determined that mid-range was the appropriate entry point, namely five weeks, which we discounted to reflect the available mitigation and he is therefore banned for three weeks. He is free to play again on 21<sup>st</sup> February.
12. In relation to Jamie Cotterell, we found that his remarks to the referee were intentional and premeditated and carried with it an implication of bias by the referee. Although it was a serious offence there were no aggravating features. We therefore took mid-range as our entry point, namely 12 weeks. We discounted this figure to reflect the available mitigation. He is therefore banned for 6 weeks and is free to play again on 14<sup>th</sup> March.

### Right of Appeal

13. The parties and the Players are hereby advised of their right to appeal. Any such appeal must be lodged with the RFU Disciplinary Office not later than 10am on the 14th day following receipt of this judgment.

**Signed:** SEAN ENRIGHT (Chairman)

**Date:** 31<sup>st</sup> January 2011