



NOTTINGHAMSHIRE, LINCOLNSHIRE & DERBYSHIRE  
RUGBY FOOTBALL UNION

DISCIPLINARY DECISION

*Professionalism • Transparency • Fairness • Integrity • Consistency*

**JUDGMENT OF THE PANEL**

<b>Venue:</b>	Crowne Plaza Hotel, Nottingham
<b>Date:</b>	Tuesday 2 <sup>nd</sup> July, 2019
<b>Clubs:</b>	Keyworth RFC ('Keyworth') Nottinghamians RFC ('Nottinghamians')
<b>Keyworth Coach:</b>	Tony Mee
<b>Keyworth Replacement:</b>	James Muston
<b>Match:</b>	Keyworth RFC 1 <sup>st</sup> XV v Nottinghamians RFC 1 <sup>st</sup> XV
<b>Match Date:</b>	Saturday 22 <sup>nd</sup> December, 2018
<b>Panel:</b>	Matthew O'Grady, Chairman Andrew Stout Michael Hilton
<b>Secretary:</b>	Andrew Statham, NLD Disciplinary Secretary
<b>Attending:</b>	Reglan Ashton, Counsel for NLD RFU  Kevin Price, Keyworth Chairman Nick Martin, Keyworth Club Captain  Matt Nixon, Nottinghamians 1 <sup>st</sup> XV Captain Karim Naaman, Nottinghamians Club Captain Rod Exton, Nottinghamians Disciplinary Secretary

### Preliminary Issues

1. This independent disciplinary panel was formed to deal with charges arising from an abandoned match on Saturday 22<sup>nd</sup> December 2018. There was no objection to the composition of the Panel. The Panel heard the charges alongside each other. Mr. Kevin Price requested that Tony Mee's sanction be delivered *in camera*. This request was refused.

### Charges and Pleas

2. On 29<sup>th</sup> May 2019 the Nottinghamshire, Lincolnshire and Derbyshire Rugby Football Union ('the Union') charged Keyworth, Nottinghamians, Mr. Tony Mee (the coach of Keyworth) and James Muston (a Keyworth player) with having committed conduct prejudicial to the interests of the Game of Union, contrary to Rule 5.12, for the events that took place in the RFU Junior Vase match between the two sides on Saturday 22<sup>nd</sup> December, 2018. Mr. Statham, the Union's Disciplinary Secretary, settled the charges and the Union was represented at the hearing by Counsel, Mr. Ashton. Mr. Mee was not in attendance, but Mr. Price spoke on his behalf. Mr. James Muston was not present, but Mr. Nick Martin spoke on his behalf.
3. The particulars of the charges against Mr. Mee and Mr. Muston were that:

"In the Nottingham Junior Vase game between Keyworth and Nottinghamians played on Saturday 22<sup>nd</sup> December 2018, you entered the field of play and got involved in the on field fights that had broken out between both teams 30 minutes into the second half."
4. Mr. Mee and Mr. Muston admitted entering the field of play, but both denied getting involved in fights because there were no 'fights'. The Panel amended the charges to reflect the charges against the Clubs, namely participation in a 'brawl'. Both Mr. Mee and Mr. Muston denied any participation in a brawl. Mr. Mee denied *any* contact with any player within the field of play and Mr. Muston asserted he only pulled Keyworth players away.
5. The particulars of the charge against Nottinghamians were:

"In the Nottingham Junior Vase game between Keyworth and Nottinghamians played on Saturday 22<sup>nd</sup> December 2018, members of the Nottinghamians team participated in a brawl with Keyworth players 30 mins into the second half forcing the referee to abandon the game."
6. Nottinghamians denied the charge.
7. The particulars of the charge against Keyworth were:

"In the Nottingham Junior Vase game between Keyworth and Nottinghamians played on Saturday 22<sup>nd</sup> December 2018, members of the Keyworth team participated in a brawl with Nottinghamians players 30 mins into the second half forcing the referee to abandon the game."

8. The charge against Keyworth was amended to reflect, “That the Club failed to properly control its non-playing members, including its coach, replacements and a spectator.”
9. Keyworth admitted a failure to control its non-playing members but, initially, denied that its players participated in a brawl. At the conclusion of the evidence, Keyworth admitted the amended charge in its totality.

### **The Approach**

10. The Panel reminded itself that as the Union brought these charges it must prove the allegations it makes are true. The standard of proof is the simple balance of probabilities. That is to say, is it more likely than not that the alleged facts happened. Those charged do not need to prove anything.

### **The Evidence**

#### **Video**

11. The principal evidence was an audio and visual recording of the last 10 minutes of the match produced by Keyworth. The Panel viewed the video with the attendees. Mr. Ashton and the Panel members asked questions of the attendees at various points whilst watching and listening to the recording.

#### **Tony Mee**

12. Mr. Mee emailed the Panel on Sunday 30<sup>th</sup> June, 2019. In his email Mr. Mee gave his account of where he was positioned at various points during the match. He alleged that at one point a Nottinghamians player ran into him, was in his face and shouted, “You’re a fucking wanker,” and, “Cunt.” Mr. Mee suggested that he advised the player regarding his language as there were children present.
13. As to the confrontation between the players, on Mr. Mee’s account Keyworth players reacted to 6 or 7 Nottinghamians players being involved in pushing and shoving the Keyworth scrum half. Mr. Mee said he shouted at the players to calm down. He said he ran onto the pitch and got between Keyworth and Nottinghamians players. Mr. Mee wrote that his intentions were to “stop any trouble”. Mr. Mee accepted speaking with the Referee after the game. Mr. Mee denied raising his voice, getting angry or being sarcastic. In his conclusion Mr. Mee told the Panel that he is very passionate about the game and his club. He said he was deeply apologetic and embarrassed.

#### **James Muston**

14. Mr. Muston provided a written statement dated 25<sup>th</sup> June 2019. Mr. Muston accepted entering the field of play, despite being a replacement. Mr. Muston asserted that the only reason he entered the field of play was to prevent the confrontation between the players from escalating. He said he was very sorry and thought he had done the right thing because the game had been very heated from the outset. Mr. Muston’s young family were at the game.

### Rob Exton

15. Mr. Exton prepared a one page document dated 23<sup>rd</sup> December 2018, which in its very first sentences stated, “Match abandoned by referee for mass brawl and repeated discipline offences. Officials and replacements and touch judges entered field of play whilst brawl involving 20 players [was taking place] (sic)” (emphasis added). Mr. Exton said there were “no real punches thrown”, but lots of pushing and shoving. Mr. Exton asserted there had been earlier provocative actions by Keyworth members. Nottinghamians players stayed at Keyworth after the match to socialise with their opponents.

### The Referee

16. The match was refereed by Mr. Christopher Mulroy (‘the Referee’), a young match official and member of the NLD RFU Referees’ Society. The Referee provided a helpful report setting out his evidence on why the match was abandoned. The Referee did not give oral evidence because the Panel had the advantage of the video recording. The Referee heard repeated sledging and goading by each team towards the other and challenging of his decisions by both sides.
17. The Referee recalled an incident in which a Nottinghamians player, who was chasing a loose ball, ran into Mr. Mee, who was wandering the touchline throughout the game. The Referee recalled Mr. Mee stepped into the Nottinghamians player and heard Mr. Mee say, “Do you want to start something big man?” From its omission, it is apparent the Referee did not hear a Nottinghamians player verbally abuse Mr. Mee as Mr. Mee alleged nor Mr. Mee challenge any abuse directed at him. The Referee told Mr. Mee he was stood too close to the field of play and should move.
18. The Referee told the Panel that there was a large scuffle involving players from both sides and that non-playing Keyworth members entered the field of play. The Referee judged the tempers of the game to be too high and a more serious incident would probably occur if the match continued. The Referee wrote that Mr. Mee repeatedly challenged his decision to abandon the match.

### **Arguments on the Factual Issues**

19. On behalf of the Union, Mr. Ashton invited the Panel to find the charges proved. The Panel’s attention was drawn to what was submitted to be behaviour contrary to the Game’s values, including abuse directed at the Referee, a brawl and a failure to control players and non-players. It was argued that the brawl’s participants were reckless as to the danger they placed others in, in particular vulnerable players who were on the floor. It was submitted that the culture exhibited by both sides suggested an acceptance of obviously unacceptable conduct.
20. Nottinghamians asserted a tortuous defence of the charge that what its players engaged in was not a “brawl” (despite their own Disciplinary Secretary giving written evidence that it was a brawl). It asserted that what occurred was a ‘quarrel’.
21. Keyworth, realistically, abandoned its defence to the charge and admitted the charge in its totality once the video was played. Up to that point, in its written submissions it had

accepted Mr. Mee's account as being accurate. It accepted a brawl occurred and that it failed to control its players and non-players.

### **Findings of Fact**

22. 01:16. Contrary to the value of Rugby Union, Keyworth players wave their arms out appealing and challenging the Referee's decision. Mr. Mee can be heard to shout aggressively at the Referee, "You are joking." Following this another person can be heard saying, "Tony. Tony. Tony."



23. 01:48. Mr. Mee (wearing a red jacket) was stood at the side of the pitch, around the 22m line. He should not have been there. The ball was loose and travelled towards Mr. Mee.
24. 01:50. Mr. Mee stepped towards the ball and bent down to pick it up. One player from each side, chasing the ball, made physical contact with Mr. Mee. Momentum meant neither player could stop before making contact with Mr. Mee. Mr. Mee stepped towards and squared up to the Nottinghamians player, who walked backwards away from Mr. Mee.
25. The Panel rejected Mr. Mee's evidence that the Nottinghamians player was abusive towards him or that he, Mr. Mee, challenged any abuse. Abuse was not heard by anyone near the two men. Mr. Mee, not the Nottinghamians player, was the one who was hot headed. The Panel accepts the Referee's evidence that Mr. Mee said, "Do you want to start something big man?" A person shouted, "Tony. Tony. Tony." Mr. Mee had to be physically pulled and then pushed back away from the field of play by at least two people. Mr. Mee was out of control. His presence escalated the situation and caused the match to be briefly delayed whilst he was dealt with. The Club's officers should have relieved Mr. Mee of his responsibilities, but besides a player and spectator physically intervening and shouting at Mr. Mee, no one challenged him. At least one spectator (seen in the bobble hat), who was identified as Mr. David Wayman, was also stood at the side of the field of play and not behind the barrier.



26. 02:28. After the confrontation, above, Mr. Mee was still allowed free reign inside the playing enclosure.



27. 06:51. After the ball spilled from a player's arms, Keyworth members on the touchline, including Mr. Mee shouted aggressively at the Referee. The language (not from Mr. Mee) included, "Fucking hell." Mr. Mee shouted, "Fuck sake."
28. 07:15. The Referee awarded a penalty to Nottinghamians and Mr. Mee shouted at the Referee, "What's that for?".
29. 08:52. The Referee awarded a penalty to Keyworth. Nottinghamians 21 ran away with the ball then dropped it and it hit his feet
30. 08:55. Keyworth 9 pursued Nottinghamians 21 and kicked the ball at Nottinghamians 21 and towards the Nottinghamians' goal line (away from his own players).



31. 08:56 (off camera). The Panel accepts Mr. Nixon's evidence that Keyworth 9 continued running at Nottinghamians 21 and then pushed him with two hands to the back. The force of the push put Nottinghamians 21 to the ground. Nottinghamians 21 stood up and Keyworth 9 grabbed Nottinghamians 21 by the front of his shirt. A second Nottinghamians player tried to separate the two scrum halves and there was pushing.
32. 09:05. Keyworth players sprinted to the location of the players. The Nottinghamians players did not. The Keyworth players arrived with momentum and force.



33. 09:08. Mr. Muston (wearing the black rain top) entered the field of play.



34. 09:17. All the Keyworth players and the majority of the Nottinghamians players were engaged in a brawl. There was pushing, shoving and striking as players ran in with forcefully swinging arms. There were players on the floor. The players on their feet had no regard for the safety of those on the floor, who could have been injured. Mr. Muston made physical contact with players of both sides and was a participant in the brawl. His actions escalated, rather than calmed the situation.



35. 09:18. Mr. Mee ran onto the field of play and joined the brawl. He was hot headed throughout. His actions escalated, rather than calmed the situation.





36. 09:20. Spectator Mr. Wayman entered the field of play. Mr. Price said that Mr. Wayman performed no function for the match day team and was a spectator. Already on the field of play were the Keyworth club touch judge/replacement, Mr. Dave Winstanley, and another Keyworth replacement. Mr. Winstanley pulled at an opponent's shirt.



37. 09:33. Mr. Mee pulled and pushed at players of both sides. He became the centre of the brawl. He was aggressive and continued to be hot headed even as other participants were calming down.



38. 09:42. A Keyworth member shouted, "Tony get off the pitch." Mr. Mee left the field of play. The situation deescalated once Mr. Mee left.



39. 10:15. The Referee abandoned the match.

40. In addition, we make the following general findings:

- a) The actions of the two sides, but especially the playing and non-playing members of Keyworth, were unacceptable and had no place in the Game.
- b) There was goading of opponents towards each other, which went beyond banter, abusive language directed at the Referee, challenging and appealing of the Referee's decisions and an obviously escalating situation that had a confrontation between Mr. Mee and an opponent.
- c) There were young people in the vicinity of the abusive language and unacceptable behaviour.
- d) There was no meaningful intervention by Keyworth to manage its playing or non-playing members or steps taken to prevent a foreseeable outcome. There should have been steps taken to remove Mr. Mee from the match when he first demonstrated hot headed and unacceptable conduct towards a player.
- e) At least one Keyworth spectator was left free to roam within the playing enclosure, rather than stand behind the established barrier, and subsequently entered the field of play.
- f) Nottinghamians failed to control its players from participating in the brawl.
- g) Mr. Mee confronted the Referee immediately after the match and then subsequently to challenge the decision to abandon the match.
- h) Mr. Mee's version of the facts is inconsistent with the recording, the evidence of the other witnesses and is rejected.

#### **Submissions on Sanction**

41. The attendees said they did not require time to compose any submissions on sanction. On behalf of the Union Mr. Ashton made limited submissions, but did argue there was a difference in the relative culpability and conduct of the two clubs, with Keyworth's being more serious.
42. On behalf of Mr. Mee it was submitted that he plays a very important role at Keyworth. Mr. Mee is the only coach at senior level and is a member of Keyworth's committee. He is a Level 2 coach. He played over 700 game for Keyworth, having been a member of the club since the late 1980s. Mr. Mee has played a significant role in recruiting players and organising the team and fixtures. Mr. Mee is, in Keyworth's submission, integral to the club.
43. Mr. Muston has only had one red card before for two technical yellow cards. He has been a Keyworth member for many years. It was argued his behaviour was out of character and was relatively minor.

44. Keyworth prepared a written submission which was provided to the Panel before the hearing. The club committee met after the match and it was said to be embarrassed and disappointed about the abandoned match. We had sight of steps the club took regarding discipline since the match. However, even 6 months since the match, no one had spoken to nor challenged Mr. Mee about his conduct on the day. Mr. Price accepted there was a lack of control by Keyworth and that it was treated with the utmost seriousness. However, at various times during the hearing it was argued by Mr. Price that what the Panel was considering was typical behaviour of many clubs in this Union and he had regularly seen abusive language of the kind here directed at Referees.
45. Nottinghamians argued that the demeanour and behaviour of its players was very different to Keyworth's. They did not run over, but were reactive. The club was said to be embarrassed by its actions.

### Sanctions

#### General Remarks

46. Although this was a 5.12 charge the Panel had regard to the sanctioning framework in Regulations 19.11.8, 19.11.10 and 19.11.11. The Panel had the following general features in mind: the abandonment came late in the match; there was no physical abuse or threats towards the match official; no one was injured; relations between the teams were good enough for them to socialise with each other afterwards and these are the first offences of this kind for either Club or the individuals involved.
47. Sat against those factors were the following features: this was an important competitive Cup match; the match had to be abandoned; there were young people present; it involved a collective loss of discipline from most players on the field; and there was a real risk of injury to players.

#### Tony Mee

48. The Panel accepted all the mitigation made on Mr. Mee's behalf, however his actions were simply too serious to warrant a reprimand. On several occasions, in his verbal and physical actions, Mr. Mee demonstrated behaviour that was not only inconsistent with Level 2 coaching and the values of Rugby Union, but also the values of his club. His behaviour demands a deterrent from future conduct of this kind by him, but one which is proportionate in not impacting overly severely on his club.
49. The Panel imposed the following sanctions on Mr. Mee:
- a) Suspended from all match day rugby activity for 15 weeks. That activity includes: attending at any home or away venue at which any Keyworth RFC team is playing; spectating at any match at Level 5 and below; coaching of any kind at any match anywhere; and engaging in any direct or indirect communication of any kind (including social media and messaging) with any non-family member of Keyworth RFC on senior match days before 6:00pm.
  - b) This does not prohibit Mr. Mee from:

- i. Attending a venue at which his own child is playing on a Sunday to spectate. Mr. Mee must not engage in any coaching.
  - ii. Refereeing at any venue, provided it is not at Keyworth RFC or at any other venue at which a Keyworth RFC team is playing, whether he is refereeing the Keyworth RFC side or not.
- c) 5 weeks are suspended until the end of 2019-20 season. The suspension will be activated if Mr. Mee is found to have committed any further offence in that time.
- d) Keyworth RFC must inform the Panel of the club's 2019-20 fixtures. Mr. Mee must not return to any match day rugby activity from now until the Panel sets his return to rugby date.
- e) Tony Mee must complete the England Rugby Referee Award by Friday 20<sup>th</sup> December 2019. Mr. Mee must return to the Panel if he fails to do so. The number of weeks that Mr. Mee has been sanctioned has been reduced to take account of this course (which includes Game Values components) and if he fails to complete it, these sanctions will need to be revisited.
- f) Costs of £30.

James Muston

50. The Panel accepted all the mitigation made on Mr. Muston's behalf. His involvement was minor, but he still unacceptably entered the field of play, made physical contact with others and contributed to the heated nature of the brawl.

51. The Panel imposed the following sanctions on Mr. Muston:

- a) Suspended from playing for 2 weeks.
- b) Keyworth RFC must inform the Panel of the club's 2019-20 fixtures. Mr. Muston must not return to play from now until the Panel sets his return to play date.
- c) Costs of £30.

Nottinghamians

52. The Panel accepted that Nottinghamians was less culpable than Keyworth. Nottinghamians non-players did not enter the field of play and they did not enter the brawl with the same force as Keyworth's players. That was to their credit. However, the club failed to control the actions of its players and they were out of control at times. Additionally, its response to this charge was unsatisfactory. The club did not identify any satisfactory steps it had taken to address this issue. An immediate penalty was required. The Panel considered imposing League points deduction, but concluded a fine would be appropriate.

53. The Panel imposed the following sanctions on Nottinghamians:

- a) Nottinghamians' RFC's disqualification from the RFU Junior Vale in 2018-19 is affirmed.
- b) Fine of £500. The fine is to be paid by the Union to a rugby charity nominated by the Referee and approved by the Panel.
- c) £250 suspended until the end of the 2019-20 season. The suspension will be activated if there is an offence by the club (such as another abandoned game for which it has culpability) at any level.
- d) Nottinghamians must undertake a comprehensive programme of education at all levels within the club to ensure that the RFU's Code of Conduct is known throughout the club. This will include:
  - i. Consultation with the club's RDO on suitable Game Values training (consider Rugby Aware).
  - ii. Publication of the Panel's findings on the club's website, in the club house and social media outlets.
  - iii. All members to be emailed with regard to discipline standards required moving forward.
  - iv. All members to sign up to the Code of Conduct as part of their membership application or membership renewal.
- e) All offences by members of Nottinghamians RFC in the 2019-20 season will be automatically aggravated by 1 week. Nottinghamians RFC must inform all its members of this before the start of the next season.
- f) Costs of £30.

#### Keyworth

54. By Mr. Price's own admission the conduct of the club's members, playing and non-playing, were beyond unacceptable. What was most worrying was the lack of a culture of effectively challenging the behaviour that was taking place. The swearing, the comments directed at the Referee, the appealing, the waving of arms to challenge decisions and the entering of the field by the club's members were apparently simply part of the experience of being at a match at this club on this day. There was a failure of leadership at all levels: from the club's officers in not stopping Mr. Mee; from Mr. Mee himself and his failure to set an example as a coach or control his players; and from the leadership team on the field.

55. Sadly, the mitigation Keyworth advanced was undermined by the repeated references made to other clubs within the Union exhibiting similar conduct. Whilst the behaviour of other clubs that Mr. Price described is very concerning, it did not excuse Keyworth's actions or provide a defence. A clear specific deterrent is required to ensure Keyworth takes appropriate steps to prevent this future unacceptable behaviour and to deter other clubs generally.

56. The Panel imposed the following sanctions on Keyworth:

- a) Keyworth RFC's disqualification from the RFU Junior Vale in 2018-19 is affirmed.
- b) Keyworth RFC is disqualified from all Cup, Vase and equivalent competitions at all levels (including junior rugby) in 2019-20.
- c) That sanction is suspended until the end of the 2019-20 season and will be activated if there is an offence by the club (such as another abandoned game for which it has culpability) at any level.
- d) Fine of £500. The fine is to be paid by the Union to a rugby charity nominated by the Referee and approved by the Panel.
- e) £250 suspended until the end of 2019-20 season. The suspension will be activated if there is an offence by the club (such as another abandoned game for which it has culpability) at any level.
- f) Keyworth RFC must undertake a comprehensive programme of education at all levels within the club to ensure that the RFU's Code of Conduct is known throughout the club. This will include:
  - i. Consultation with the club's RDO on suitable Game Values training (consider Rugby Aware).
  - ii. Publication of the Panel's findings on the club's website, in the club house and social media outlets.
  - iii. All members to be emailed with regard to discipline standards required moving forward.
  - iv. All members to sign up to the Code of Conduct as part of their membership application or membership renewal.
- g) All offences by members of Keyworth RFC in the 2019-20 season will be automatically aggravated by 1 week. Keyworth RFC must inform all its members of this before the start of the next season.
- h) Keyworth RFC must ensure it has painted technical areas for all senior games and that its members remain within those technical areas except as allowed by the Laws and Regulations of the Game and the competitions it participates in.
- i) Keyworth RFC must establish barriers (temporary roping acceptable) around all of its pitches for all matches at all levels (including junior rugby). Keyworth RFC must ensure all spectators remain behind those barriers at all times.
- j) Costs of £30.

### Comments

57. It should be obvious that these clubs and individuals have now lost their good records and, if there are further disciplinary issues, that will have been as a result of these set

of sanctions being insufficient deterrents. The clubs and the individuals would be right to expect any future Panel dealing with future offences by them to provide more stringent sanctions. If the offence occurs next season, then such sanctions will be in addition to the activation of these suspended penalties. The Disciplinary Secretary has informally advised Keyworth that he expects the other individuals who entered the field of play during the brawl, but who have not been charged to date, to be charged in the near future.

58. This case has shown, in the behaviour of the players and in the comments of the attendees at this hearing, that there remains a disciplinary issue within this Union as it relates to behaviour towards match officials. The Disciplinary Secretary will need to consider this in line with the comments made by this Panel in *NLD RFU v Steven Lowe*.
59. The Disciplinary Secretary is directed to distribute this judgment to all Club Disciplinary Secretaries within the Union and to the NLD RFU Referees' Society.
60. The Panel was grateful to Mr. Ashton for his submissions and manner in which he presented the Union's case.

### **Appeal**

61. There is a right to appeal against this decision. Any such appeal must be made within 14 days of this judgment being sent.

Matthew O'Grady  
Chairman, for and on behalf of the Panel

Friday 12<sup>th</sup> July, 2019