

IN THE MATTER OF A FOOTBALL ASSOCIATION
INDEPENDENT REGULATORY COMMISSION

BETWEEN:

THE FOOTBALL ASSOCIATION

and

MR ALEX BYRNE

WRITTEN REASONS AND DECISION OF
THE INDEPENDENT REGULATORY COMMISSION FOLLOWING THE
HEARING
ON 15 OCTOBER 2019

Background

1. These are the written reasons for a decision made by an Independent Regulatory Commission which sat by WebEx on 15 October 2019.
2. The Regulatory Commission members were Mr Gareth Farrelly, Chairman and Independent Football Panel Member, Mr Matt Williams, Independent Football Panel Member and Mr Marvin Robinson, Independent Football Panel Member.
3. Mr Michael O'Connor, The FA Regulatory Commissions & Appeals Officer, acted as Secretary to the Regulatory Commission.
4. By letter dated 3 October 2019, The Football Association ("The FA") charged Mr Alex Byrne with Misconduct under FA Rule E1 (b) in respect of 105 bets placed on football matches between 4 March 2015 and 28 April 2019.
5. It was alleged that each bet was a separate breach of FA Rule E8. The particulars of the allegations were as follows:

2014/15 Season – Bets placed in breach of FA Rule E8 FA Handbook p115-116

1. He placed 1 bet on football matches, in breach of FA Rule E8(1)(a)(i), on 4 March 2015 whilst he was a Participant at Exeter City FC.
 - i. This 1 bet was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

2015/16 Season – Bets placed in breach of FA Rule E8 FA Handbook p114-116

2. He placed 1 bet on football matches, in breach of FA Rule E8(1)(a)(i), on 19 March 2016 whilst he was a Participant at Exeter City FC and/or Weston Super Mare FC.
 - ii. This 1 bet was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

2016/17 Season – Bets placed in breach of FA Rule E8 FA Handbook p114-116

3. He placed 3 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 23 November 2016 and 9 April 2017, whilst he was a Participant at Exeter City FC.
 - iii. Each of the 3 bets was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

2017/18 Season – Bets placed in breach of FA Rule E8 FA Handbook p120-122

4. He placed 1 bet on football matches, in breach of FA Rule E8(1)(a)(i), on 25 March 2018, whilst he was a Participant at Exeter City FC.
 - iv. This 1 bet was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition.

2018/19 Season – Bets placed in breach of FA Rule E8 FA Handbook p115-116

5. He placed 99 bets on football matches, in breach of FA Rule E8(1)(a)(i), between 19 August 2018 and 28 April 2019, whilst he was a Participant at Weston Super Mare FC.
 - v. Each of the 99 bets was placed on the result and/or progress and/or conduct and/or any other aspect of a football match or competition;
 - vi. 14 of which bets were placed on the result, progress, conduct and/or any other aspect of a competition, The FA Cup and/or the National League South, in which his Club and/or he was participating or had participated that season; and
 - vii. 1 of those 14 bets was placed on the result, progress, conduct and/or any other aspect of a match, St Albans City FC v Weston Super Mare FC, in which his Club and/or he was participating.

6. The FA included the following evidence it intended to rely on in support of the Charge:
 - (i) Witness statement of Mr Tom Astley, Intelligence and Integrity Analyst at The Football Association, dated 24 September 2019;
 - (ii) Exhibit TA/1 - Master schedule of bets attributed to Mr Alex Byrne;
 - (iii) Exhibit TA/2 - Schedule of bets placed in Season 2014/15;
 - (iv) Exhibit TA/3 - Schedule of bets placed in Season 2015/16;
 - (v) Exhibit TA/4 – Schedule of bets placed in Season 2016/17;
 - (vi) Exhibit TA/5 – Schedule of bets placed in Season 2017/18;
 - (vii) Exhibit TA/6 – Schedule of bets placed in Season 2018/19;
 - (viii) Exhibit TA/7 – Schedules of bets placed on Competitions Mr Alex Byrne’s Club was entered in;
 - (ix) Exhibit TA/8 - Schedule of bets placed on matches involving Mr Alex Byrne’s Club;
 - (x) Exhibit TA/9 - Interview with Mr Alex Byrne, dated 19 September 2019;
 - (xi) Exhibit TA/10 – Interview with Mr Alex Byrne, dated 2 April 2019;
 - (xii) FA Rule E8 (p.115-116) The FA Handbook 2014-15;
 - (xiii) FA Rule E8 (p.114-116) The FA Handbook 2015-16;
 - (xiv) FA Rule E8 (p.114-116) The FA Handbook 2016-17;
 - (xv) FA Rule E8 (p.120-122) The FA Handbook 2017-18;
 - (xvi) FA Rule E8 (p.115-116) The FA Handbook 2018-19; and
 - (xvii) The FA’s Betting Sanction Guidelines.

7. On 19 September 2019, Mr Byrne attended an interview with The FA, during which the following facts emerged:
 - (i) He was aware of what the FA Betting Rules were from when he was registered at Exeter City FC but did not think that the Rules went down as far as National League South;
 - (ii) He was aware of the posters in the changing rooms that state participants should not bet on football;

- (iii) He stated he had received no education on the FA Betting Rules; and
 - (iv) He put his bets down to ‘stupidity’ and ‘just putting small bets on for fun’ whilst with friends, ‘seeing how normal it was’, he just wanted to be one of them.
8. The following is a summary of the principal submissions provided to the Commission. It does not purport to contain reference to all the points made, however the absence of a point, or submission, in these reasons should not imply that the Commission did not take such point, or submission, into consideration when the members determined the matter. For the avoidance of doubt, the Commission has carefully considered all written evidence in respect of this case.
9. The Charge was admitted by response on 8 October 2019.
10. Mr Byrne did not request a personal hearing and the case was dealt with on the papers only. He submitted a further statement to the Regulatory Commission, the contents of which were read and noted. He submitted that he was not 100% aware of the Regulations although he should have been. He had since looked in his own dressing room and acknowledged that notices were posted there. He considered it a fun thing to do with his friends. He had experienced a difficult year when most of the bets had been placed. He was seeking to take his mind off the fact he had to get a job following his release from Exeter City FC. He apologised and stated that he was no longer betting and fully focussed on his football.
11. The overall amount staked across the five seasons was £235.11. The returns on this were £517.32. This led to a net total profit of £282.21.
12. There were 14 bets which included games in competitions that Mr Byrne’s Clubs participated in during the relevant seasons. These bets included a bet on Weston Super Mare FC whilst Mr Byrne was a participant there; this being a multiple bet on ‘Both Teams to Score’ in a game involving Weston Super Mare FC.
13. For completeness, this bet was voided as the game in question was abandoned due to the weather conditions.

Relevant Guidelines

14. As with cases of this nature, the Regulatory Commission’s attention was drawn to the relevant Sanctioning Guidelines produced by The FA for betting cases charged under FA Rule E8. This case concerned a bet/bets placed on particular occurrence(s) not involving the player who bet (spot bet). Therefore, the guidance was –
- (i) The Financial Entry Point – Any fine to include, as a minimum, any financial gain made from the bet(s); and
 - (ii) Sports sanction range – 0-12 months to be determined by the relevant factors.

15. In order to determine the appropriate sanction, the Regulatory Commission took into account these relevant factors:

- (i) Overall perception of impact of bet(s) on fixture/game integrity;
- (ii) Player played or did not play;
- (iii) Number of Bets;
- (iv) Size of Bets;
- (v) Fact and circumstances surrounding pattern of betting;
- (vi) Actual stake and amount possible to win;
- (vii) Personal Circumstances;
- (viii) Previous record – (any previous breach of betting Rules will be considered as a highly aggravating factor);
- (ix) Experience of the participant; and
- (x) Assistance to the process and acceptance of the charge.

“The guidelines are not intended to override the discretion of Regulatory Commissions to impose such sanctions as they consider appropriate having regard to the particular facts and circumstances of a case. However, in the interests of consistency it is anticipated that the guidelines will be applied unless the applicable case has some particular characteristic(s) which justifies a greater or lesser sanction outside the guidelines.

The assessment of the seriousness of the offence will need to take account of the factors set out above. A key aspect is whether the offence creates the perception that the result or any other element of the match may have been affected by the bet, for example because the Participant has bet against himself or his club or on the contrivance of a particular occurrence within the match. Such conduct will be a serious aggravating factor in all cases. A further serious aggravating factor will be where the Participant played or was involved in the match on which the bet was made.

Betting offences are separate and distinct from charges under FA Rule E5 which concerns match fixing. It should be noted that save in exceptional circumstances a Participant found to have engaged in fixing the outcome or conduct of a match would be subject to a lifetime ban from the game. Where it can be proved that a bet has actually affected a result or occurrence within the match then such conduct will be specifically charged rather than treating the incident as a betting offence.”

16. There was no suggestion or inference by The FA that Mr Byrne made any use of any inside information and there was no suspicion of match fixing.

17. Whilst the very nature of the sanctioning guidelines can be highly prescriptive, the Regulatory Commission dealt with each point in turn. The key point in this case being the overall perception of impact of bets on fixture/game integrity. This point was set out in a recent appeal where the FA Appeal Board stated “Any breach of the betting

regulations has a deleterious impact on the integrity of the game (more widely) and is serious". Equally, the perception that a Participant could directly influence or affect the outcome or a particular occurrence in a game is particularly aggravating.

18. Mr Byrne had no previous record of similar misconduct. The number of bets and the value of the bets were not of itself high, in comparison to other cases. However, he had bet 14 times on games in competitions in which his Clubs participated in during the relevant seasons. Furthermore, he had bet on a particular occurrence in a game involving his Club; that being 'both teams to score', in essence a spot bet. The fact that this game was abandoned, and the bet voided is irrelevant. This was an aggravating factor. Mr Byrne was aware of the FA Rules on Betting. He had been in a professional Club for a number of years. The fact that he thought that the Rules did not go down as far as National League South did not assist his mitigation. In addition, there were notices in his Club setting out the position with regard to betting. What remains of concern to the Commission was again a case where betting has become 'normalised'. Mr Byrne bet because all his friends were doing so. Mr Byrne admitted the charge at the earliest opportunity.
19. The additional anomaly in this case was that Mr Byrne had been successful in his betting on football. He had made a net profit of £282.21. The Regulatory Commission gave consideration to the Guidelines and that the financial entry point should include, as a minimum, any financial gain made from the bets. Mr Byrne's remuneration from football was also taken into account.

Conclusion

20. The Regulatory Commission came to the unanimous decision, having carefully considered the relevant factors, and have imposed the following sanction on Mr Byrne:-
 - (i) He is suspended for one (1) month from all football and football related activity; and
 - (ii) He is fined the sum of £750.
25. This decision is subject to the relevant Appeal Regulations.

Mr Gareth Farrelly, Chairman and Independent Football Panel Member

Mr Matt Williams, Independent Legal Panel Member

Mr Marvin Robinson, Independent Football Panel Member

29 October 2019