

## DECISION OF THE ENGLAND BOXING DISCIPLINARY PANEL

**In the matter of:**

**(1) TIM YEATES**

**&**

**(2) PAUL BROOK**

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### **THE PANEL'S DECISION AND REASONS**

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1. These are the written reasons and decision of the England Boxing Disciplinary Panel, which sat on 11<sup>th</sup> November 2018, in the joint cases of Tim Yeates and Paul Brook ("the Respondents").
2. The independent Panel appointed by England Boxing ("EB"), pursuant to its Disciplinary Procedure ("the EB Procedure"), was Mr. Craig Harris, barrister (Chair) and Mr. Jon Dennis, England Boxing member.
3. The hearing was conducted by telephone in the absence of the Respondents, for the reasons given below [see §§22-27].
4. The 'Responsible Person' in the case was Mr. Gordon Valentine, who was present by telephone during the hearing on behalf of EB.

### **CHARGE**

5. Both Respondents were charged as follows:

*"That you on 10<sup>th</sup> March 2018 at the Smokey's Gym Event, at the conclusion of the Brook v Smith bout, in your capacity of an England Boxing Coach, you verbally abused a competition official using foul and/or abusive language.*

*Contrary to s6 of the AIBA Disciplinary Code and the England Boxing Code of Conduct".*

6. The wording of the EB Code of Conduct need not be rehearsed here; it is available to all concerned and its requirements are well known.
7. The relevant provisions of the AIBA Disciplinary Code are set out at rule 6 thereof, to which the reader is referred.
8. There was no issue that England Boxing had jurisdiction over this matter and the charged Respondents.

### **BURDEN AND STANDARD OF PROOF**

9. The burden of proving the charge was on England Boxing.
10. The applicable standard of proof was the balance of probability.
11. The balance of probability means the Panel will be satisfied an event occurred if it considers that, on the evidence, the occurrence of the event was more likely than not. The same standard applies to the Panel's consideration of whether any proven act or omission amounts to a violation of the Code of Conduct, taking account of any applicable defence. EB also has the burden of disproving any such defence to the same standard.

### **BACKGROUND**

12. This case arose out of a boxing event at the Smokey's Gym on 10<sup>th</sup> March 2018, in the immediate aftermath of a bout between boxers named Brooks, of Hockley ABC (the Panel notes the possible coincidence of name with the second Respondent in this case, but knows nothing more about that), and Smith, of Fenland ABC.
13. The bout was stopped by the referee, Mark Siggers, seemingly during the third round, resulting in a win for the boxer Smith. This Panel is not concerned with any question of the propriety of the bout being stopped at that stage. By way of background only, the stoppage apparently resulted from the doctor appointed to the match, Dr. Azeem Tahir, informing the referee that if Brooks took more hard punches to an already swollen eye then the bout should be stopped. The

referee determined that such punches were continuing to land upon Brooks' damaged eye and so stopped the bout.

14. This Panel was concerned with what followed. It was alleged that the Respondents, who were coaches in the corner for the Hockley ABC boxer, Brooks, levelled abuse at the referee in disagreement with his decision to stop the bout. The details of that abuse are set out below.
15. The Respondents were subsequently charged, as set out at §5 above, in respect of the language used.

### **RESPONSE TO CHARGE**

16. Messrs. Yeates and Brooks responded to the charge by letters dated 22<sup>nd</sup> May and 21<sup>st</sup> May 2018, respectively [see pages 7-11 of the bundle provided to the Panel].
17. Both ostensibly admitted the charge and this matter was therefore referred to the Panel with a request that it be dealt with summarily, under rule 31 of the EB Procedure.
18. The Panel, however, decided that the matter could not be dealt with in that way.
19. The reason was that despite the Respondents acknowledging and accepting *EB's position* that their language had been *inappropriate*, by way of their letters as at §13 above, both went on to write in terms indicating that they did not actually appear to accept the allegations levelled against them, at least to the extent alleged, if at all. That raised questions as to whether the conduct they accepted even amounted to a violation of the EB or AIBA codes and, if it did, the extent of their conduct for which the Panel should impose sanctions – that which they accepted was materially less serious than that which was alleged.
20. In their responses to the charge, each Respondent emphasised that which they did not do, as compared to the conduct complained of, and the Panel concluded that findings of fact would need to be made to determine whether there had in fact been breaches of the EB and/or AIBA codes and, if so, to what extent for sanctioning purposes. The summary procedure was not, therefore implemented.
21. In their responses to charge, the Respondents also complained – in summary – about the decision to stop the bout (which had nothing to do with the charge), complained about the nature of the

evidence served as being hearsay (in fact it was not; it was direct evidence from the witnesses concerned, most notably Mr. Siggers) and suggested that an unfair example was being made of them, as individuals, and their Club.

### **FULL HEARING**

22. A full hearing was convened after the Panel initially decided that this matter could not be dealt with by the summary procedure.
23. EB was later informed, however, that one of the prospective Panel members could no longer attend the hearing and that no other member could be found to replace them on the hearing date, 11<sup>th</sup> November 2018.
24. EB was also informed that neither Respondent would attend the hearing, whenever it would take place, and informed the Panel accordingly.
25. As such, EB invited the Panel to proceed to hearing on 11<sup>th</sup> November 2018, by telephone, with two (rather than the usual three) Panel members and in the absence of the Respondents, by their own decision.
26. The Panel acceded to that application, bearing in mind that the proceedings related to events that occurred some eight months prior and the Respondents had decided to absent themselves from any hearing in any event, and proceeded accordingly, mindful of rule 48 of the EB Procedure (allowing for deviation from usual rules).
27. The hearing was otherwise conducted in accordance with the EB Procedure.

### **EVIDENCE & ANALYSIS**

28. The Panel had reference to all the evidence submitted in writing, only.
29. The reader is referred to the fifteen-page bundle provided to the Panel, as paginated, and the additional letter received from Hockley Boxing Club, undated but received by EB on 9<sup>th</sup> October 2018 and thereafter provided to the Panel (in which the Club offered further apologies on behalf

of the Respondents and set out further mitigation, in addition that contained in their own letters of response as at §16 above).

30. The primary complainant, Mark Siggers, said that after he stopped the Brooks v Smith bouts as explained above [§13], he was verbally abused by Tim Yeates and Paul Brook, who had worked the corner for the boxer Brooks.
31. Mr. Siggers said in his statement (page 1 of the hearing bundle), *"They told me 'I was unfit to be a referee and unfit to be a human being' also called me a 'low life' and a 'scumbag' while I was in the ring with the fighters. They refused to leave the side of the ring and continued shouting for several minutes"*. He felt very upset and vulnerable as a result.
32. The match doctor, Dr. Thahir, also reported that, *"The Hockley coach also did pass by later with threatening comments"*, the like of which he said he had never come across during a number of years working at boxing shows, including the World Series.
33. Another judge at the event, Simon Mullan, reported that, *"The Hockley corner were very upset [with the decision to stop the bout] and shouted a lot of verbal abuse towards Mr. Siggers, this clearly had an effect on him as he was very upset during the interval"*.
34. John Cannon, a supervisor at the Smokey's Gym, also reported as to the background to the bout being stopped and the Hockley coaches being evidently displeased with the decision.
35. Not all witnesses reported hearing all/the same words, but that is often the case and is to be expected in circumstances where each witness will observe/hear events from a different position/perspective, some will place more significance on certain events than others and all will have different extents of recollection of events. There was nothing contradictory as between EB's witnesses' accounts and, when considered together, they depicted a consistent picture of events.
36. By way of their replies, the Respondents purportedly admitted the charges laid against them, but actually denied each aspect of the allegations levelled against them by reference to the witness statements summarised above.
37. The most Mr. Yeates accepted was using *"inappropriate language"* in reaction to the stoppage of the bout and Mr. Brook said only that he admitted using words such as *"joke" and "disgrace etc"*.

38. The Panel took the view that, in the circumstances, those admissions (of “inappropriate behaviour” and the use of comments such as “joke” and “disgrace” towards a referee using his best endeavours to protect a boxer) would amount to a violation of the AIBA and EB codes, such that the charges were properly admitted as being proved for that reason alone.
39. Furthermore, however, the Panel found that on the balance of probabilities the Respondents’ language and behaviour did extend to that alleged by EB, as reported by its witnesses (Mr. Valentine confirmed at the hearing that EB did maintain its case as per those witness statements).
40. The Respondents clearly were not composed at the time in question and were not acting responsibly, even if they usually do so. They have since apologised to those concerned. But their responses to the charge indicate continued grievance with the decision to stop the bout, showing no contrition, and their contentions that there is no evidence to support the charges and that they/the Club are somehow unfairly made an example of in these proceedings are wholly unfounded. The Panel considered that the nature of those responses demonstrated quite how annoyed and disgruntled the Respondents must have been about the decision to stop the bout at the time, which surely reflected in their ringside behaviour and language.
41. There is, therefore, little or nothing to support their contentions that they did not act as alleged by EB’s witness and – although the Panel is mindful that the burden of proof remains on EB and the Respondents need prove nothing – the Panel finds it highly unlikely that, as Mr. Brook contended in his response, some of the claims made by Mr. Siggers are “*completely untrue*” or “*fabricated to make the complaint towards Tim and I [Mr. Brook] and Hockley boxing club seem more serious*”.
42. There is no basis whatsoever for such an assertion, the words reported by Mr. Siggers are unusual so as to be unlikely to have been made up and, importantly, other witnesses noticed that Mr. Siggers was upset following the event – which, the Panel concluded, was indicative of more serious abuse having been levelled at him than that which the Respondents’ accepted.
43. In all the circumstances, therefore, the Panel concluded that it was more likely than not that the events concerned did occur as alleged by EB in its case, based upon the evidence of Mr. Siggers and the other supporting witnesses.

## **DECISION ON LIABILITY**

44. The Panel therefore found the charges against both Respondents, Mr. Yeates and Mr. Brook, proved on the full facts as alleged by England Boxing.
45. That decision was unanimous.

## **SANCTION**

46. The Panel took account of the circumstances of the offence and the mitigation – largely personal and/or related to Hockley Boxing Club – as submitted in the Club’s letter, received by EB on 9<sup>th</sup> October 2018, and letters from Mr. Yeates and Mr. Brook, dated 22<sup>nd</sup> and 21<sup>st</sup> May respectively, as were originally submitted in response to the charge.
47. The Panel noted Hockley Boxing Club’s submissions as to the likely effects upon the Club of any ban imposed upon the Respondents, but also noted that the Club and the Respondents are members of an organisation – England Boxing – that has wider interests to protect.
48. Those on the other side of the bout on 10<sup>th</sup> March 2018 would also have been EB members and, along with others in attendance and the officials, should expect not to have to witness behaviour of the type embarked upon by the Respondents in this case. Whilst, in mitigation, it is said that boxers look up to the Respondents, there was nothing to look up to in their conduct here.
49. Moreover, the Panel noted that Mr. Siggers found their conduct to be “*very upsetting*” (which was supported in the evidence of Simon Mullan), leaving him feeling “*very vulnerable*”, which the Panel can understand and is an unacceptable position for an EB official to be left in at such an event.
50. There is nothing in any suggestion that EB has targeted the Respondents and/or the Club in bringing this case against them. Such cases are brought routinely for similar behaviour.
51. On the other hand, the Panel noted that these offences appear to be isolated so far as the Respondents are concerned and, during the hearing, EB confirmed that they had each written the letters of apology to the individuals concerned as set out in the letter from Hockley Boxing Club and previously explained in their own responses to charge.

52. Taking those factors and all other information into account, the Panel imposed the following sanction.

### **DECISION ON SANCTION**

53. By unanimous decision of the Panel, both Tim Yeates and Paul Brook:

- (i) Are banned from participating in the sport for a period of 30 days, pursuant to rule 32.3 of the EB Procedure, commencing from and including 12<sup>th</sup> November 2018, save that they are permitted during that period to engage in coaching activity ONLY at and on the premises of Hockley Boxing Club, at the Hockley Gym, Unit 1 Eldon Industrial Estate, Essex SS5 4AD. The ban will end on (but includes) 11<sup>th</sup> December 2018;
- (ii) Are, in particular, banned from attending any event held under an England Boxing Permit during the period of 30 days set out at (i) above;
- (iii) Are fined £50, with that amount to be paid in full to be paid within 30 days of 12<sup>th</sup> November 2018 (that is by 11<sup>th</sup> December 2018); and
- (iv) Are both reprimanded, by way of a warning as to their future conduct.

### **RIGHT OF APPEAL**

54. A right of appeal is available to the parties in accordance with Rule 40 of the EB Procedure.

55. There are no provisions in the EB Procedure to govern the implementation and enforcement of the sanctions set out above in the event of any appeal being lodged by the Respondents i.e. whether their bans should be suspended pending any appeal process, from the time at which any notice of appeal is lodged. The Panel leaves that as a matter for England Boxing to consider, should the need arise.

11<sup>th</sup> November 2018

Craig Harris (Chair)

Jon Dennis