

**BEFORE A DISCIPLINARY PANEL OF ENGLAND BOXING LIMITED**

**IN THE MATTER OF**

**ENGLAND BOXING LIMITED**

**Complainant**

**-and-**

**ADRIAN COE**

**Respondent**

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**DECISION OF THE PANEL**

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**Hearing Date:** 20<sup>th</sup> March 2018

**Venue:** Jury's Inn, Leeds, West Yorkshire

**Panel:** Alun Jones (Chair), Simon Lewis, Steve Osbaldeston MBE

**Present:** Gordon Valentine, National Compliance Manager, England Boxing  
(Presenting the case on behalf of the Complainant)

Adrian Coe, Respondent (unrepresented)

Malcolm Barton (supporting the Respondent)

**Introduction**

1. By way of a letter of charge dated 9<sup>th</sup> January 2018, the Complainant, England Boxing Limited (hereinafter "England Boxing"), notified Mr Adrian Coe, the Respondent, that disciplinary action was being commenced against him pursuant to the England Boxing Disciplinary Procedure ("the Disciplinary Procedure").

2. In the letter of charge, England Boxing alleged:

*That you on 24<sup>th</sup> November 2017 at the Marden Boxing Club Show at Tynemouth you acted in the capacity as a coaching second which is in breach of an England Boxing interim suspension imposed on you on 31<sup>st</sup> July 2017.*

*Acting against the interests of the sport. Contrary to the England Boxing Code of Conduct.*

3. Mr Coe responded to the letter of charge by way of 2 emails, both dated 5<sup>th</sup> February 2018, the content of which is more fully considered below. Mr Coe readily admitted that he had been made subject to an interim suspension order and also admitted that he had “cornered” for his niece, who was boxing at the event.
4. Following Mr Coe’s emails, a letter dated 16<sup>th</sup> February 2018 was sent to Mr Coe advising him that a hearing before a Disciplinary Panel would be convened on 20<sup>th</sup> March 2018. A further letter dated 27<sup>th</sup> February 2018 notified Mr Coe of the names of the Panel members. Mr Coe was advised that should he have any objections regarding the Panel, he should notify England Boxing within 7 days, in accordance with paragraph 30 of the Disciplinary Procedure.

## **The Hearing**

5. Mr Coe was accompanied by a friend, Mr Malcolm Barton, who wished to be present at the hearing. Ordinarily, hearings are conducted in private (see rule 31.6.1). Mr Valentine did not object to Mr Barton’s presence and we agreed to Mr Barton being present throughout the hearing.
6. There were no other preliminary matters raised by the parties. We confirmed that Mr Coe did not object to the composition of the Panel.
7. The charge was formally put to Mr Coe and he admitted the factual element of the charge. He further accepted that the conduct described in the charge was against the interests of the sport, contrary to the England Boxing Code of Conduct.
8. The Panel found the charge proved by admission.

9. Mr Valentine made submissions on behalf of England Boxing. A video of the relevant part of the boxing event had been provided to the Panel in advance of the hearing. Mr Valentine will understand that we mean no discourtesy to him by not repeating his submissions in detail in this decision. The submissions were helpful and we had regard to them.
10. In summary, Mr Valentine explained that Mr Coe had been made subject to an interim suspension on 31<sup>st</sup> July 2017. Thereafter, England Boxing had received video footage of a boxing event which took place on 24<sup>th</sup> November 2017. The footage depicted Mr Coe ‘cornering’ for one of the boxers from his club. Mr Coe was sent a letter of charge and Mr Coe made full admissions in an email response. As to the explanation given by Mr Coe in his email, England Boxing didn’t positively challenge the account but took a neutral position.
11. Mr Valentine submitted that a breach of an interim suspension is a serious matter and that England Boxing do not take the decision to impose an interim suspension lightly.
12. Mr Coe gave evidence before the Panel where he expanded upon the detail contained within his email dated 5<sup>th</sup> February 2018. We took account of all of his oral evidence which is summarised below.
13. When Mr Coe left home to attend the boxing event he had no intention of acting as his relative’s ‘corner’. He only undertook this role as his young (12 year old) niece had become nervous and she had lost confidence in the other individual who was going to ‘corner’ for her. Mr Coe described his actions as stupid and apologised for his conduct. Mr Coe described his involvement in the sport which dated back to 1984 when he was boxing. He was asked to set up the club in 2010 and the club was formed in 2011 and, prior to the allegation which led to the interim suspension, it was thriving. Mr Coe gave evidence about the qualification level of coaches who conducted the sparring sessions at the club and that he had not been participating in any session at the club since his interim suspension had been imposed. Mr Coe explained the devastating effect the initial allegation and suspension was having on him and his family and the club. He described

his limited financial means. Mr Coe invited the Panel to take the length of the interim suspension already served into account.

14. Both parties made closing submissions and we had due regard to those submissions.
15. In accordance with paragraph 31.6.3 of the Disciplinary Procedure, both parties were asked to confirm that they had received a fair hearing and, if not, to explain why not. Both parties confirmed they had received a fair hearing.

### **Approach**

16. In reaching its decision, we had due regard to the evidence in the hearing bundle, the oral evidence of Mr Coe and the submissions of the parties. In deciding sanction, there is no burden on either party and it remains a matter for the Panel's judgment.
17. We found that Mr Coe had not deliberately pre-planned to act as his relative's 'corner' but had done so out of genuine concern for his 12 year old relative as her confidence deteriorated during the drive up to the event. We accepted Mr Coe's evidence that, relatively shortly before the event, he (as a parent) had endured a distressing situation where his daughter had struggled badly in a bout and that he had been anxious to reduce the risk of a similar hardship for his niece and her parents.
18. Although evidence was given regarding the appropriateness of possessing certain coaching qualifications in order to undertake specific activities, the Panel reminded itself that there is no charge alleging any matter relating to the ongoing operation of the club and therefore did not take any such matters into account when coming to its decision.
19. A Panel should always consider the aggravating and mitigating features. We found the charge to be a serious matter but concluded there were no additional aggravating features. The Panel found the mitigating features included: the early admission of the charge; his actions were isolated and must be considered against a long unblemished disciplinary record dating back to 1984; his remorse and apology; we found that Mr Coe acted out of genuine concern for a young relative; his actions were not undertaken for

personal gain; the conduct was a bad lapse of judgement rather than premeditated from the outset.

20. The Panel were quite properly not provided with any detail of the complaint which led to the imposition of the interim suspension. The Panel reminded itself that the imposition of an interim suspension is a neutral act and does not imply guilt. Absent an admission, the other matter is merely an allegation not yet determined and the burden of doing so lies with England Boxing at some stage in the future. The mere fact that Mr Coe had been made subject to an interim suspension was not held against him.
21. Paragraph 36 of the Disciplinary Procedure provides that an interim suspension is imposed where the England Boxing Officer considers that the conduct raised within a complaint is “of sufficient severity or concern as to risk irreparable damage to the sport, the integrity of the competition, the financial position of England Boxing or its members or the safety of individuals”.
22. Mr Coe invited the Panel to take account of the period of the interim suspension he has so far served. The Panel determined that it should not take that matter into account. Even if Mr Coe is correct that the Police investigation has effectively concluded, that does not mean that England Boxing won’t pursue the same allegation, given the differing standards of proof, or some similar or associated allegation. We are not required to consider the appropriateness or otherwise of the imposition of the interim suspension nor could we do so as the background information was quite properly not adduced before us. We note that Mr Coe has not suggested that the interim suspension was wrongly imposed.
23. If a charge is pursued by England Boxing relating to the original allegation and if it is found proved, the period of the interim suspension served is a matter for the Panel hearing that allegation to consider. That Panel can also take note of the breach of the interim suspension and the sanction awarded by us when considering the totality of any sanction. Rule 34 of the Disciplinary Procedure does not appear to have been written with a view to it being applied to a breach of an interim suspension. If we are wrong about that, then Mr Coe’s breach demonstrates that he has not ‘respected’ the interim

suspension in any event and we therefore find rule 34 does not assist Mr Coe and we would not give him any credit for the time he has been subject to an interim suspension.

24. The Panel were of the view that the charge in this case constituted a serious matter. Where an interim suspension is breached, it risks undermining public confidence in the regulation of the sport and could, although not in this case, put others at risk of harm.

## **Sanction**

25. One or more of the following sanctions were available to the Panel:

- 25.1 a reprimand;
- 25.2 a fine not exceeding £5,000.00;
- 25.3 a ban from participating in the sport or certain specific aspects of it (such as officiating, coaching, or holding office at club, regional or national level), for a period of time;
- 25.4 a ban from membership of EB, for a period of time;
- 25.5 the imposition of any such conditions on participation in the sport (or in any specific aspects of it), or on membership, as it considers fit;
- 25.6 a requirement to attend appropriate training;
- 25.7 a requirement to pay a contribution to, or all of, the costs of the disciplinary hearing.

26. The Panel may suspend any penalty, such that the penalty is only effective if and when the Respondent is found under the Disciplinary Procedure to have committed another disciplinary offence within a stated time of the decision.

27. In deciding on the appropriate sanction, we noted that the purpose of imposing a sanction is not to punish a Respondent but (where relevant) to protect those involved in the sport, to maintain public confidence in the regulation of the sport and to uphold and declare proper standards. In considering which sanction is appropriate, the Panel must act proportionately and balance the interest of the Respondent against the interests of the sport. For that reason, we considered all available sanctions before deciding what the appropriate sanction should be.

28. In this matter, we determined that a sanction was necessary in order to maintain confidence in the regulation of the sport and also to uphold and declare proper standards by sending a message to others subject to an interim suspension that any material breach will be treated seriously. We considered what was the least sanction necessary to achieve those aims.
29. After taking account of the evidence and submissions, the Panel found that the just, proportionate and appropriate sanction in this case would be a 4 month ban from participating in all aspects of the sport. The ban would be suspended for a period of 18 months. Additionally, the Panel imposed a fine of £250.00.
30. The effect of the suspended ban is that for the next 18 months, if Mr Coe is found to have committed a further disciplinary offence, he will be banned from participating in all aspects of the sport for a period of 4 months in addition to any further sanction the Panel considering the 'new' offence decide to impose. The effect of the sanction was explained to Mr Coe. The suspended ban is to commence on the date of the hearing (20<sup>th</sup> March 2018).
31. After announcing its decision on sanction, Mr Valentine invited the Panel to determine the rate of payment of the fine. We took account of Mr Coe's limited financial circumstances. Mr Coe agreed to pay the fine at a rate of £20.00 per month.
32. England Boxing did not make an application for costs. We therefore did not make any costs order.
33. For the avoidance of doubt, the Panel's decision does not affect the interim suspension order imposed on 31<sup>st</sup> July 2017. That interim order will remain in force until a Disciplinary Panel considers the substantive complaint, or England Boxing decide to revoke the Interim Suspension order, or Mr Coe successfully challenges the imposition of the order.

## **The Orders**

34. The Panel unanimously made the following orders:

1. The charge is found proved by admission;
2. Mr Coe is banned from participating in all aspects of the sport for a period of 4 months. The ban is suspended for a period of 18 months, commencing on 20<sup>th</sup> March 2018;
3. Mr Coe is to pay a fine of £250.00. The fine is to be paid at a rate of £20.00 per month, the first payment to be made on or before 1<sup>st</sup> May 2018.
4. There is no order for costs

## **Appeal**

35. It is open to either party to seek to appeal the Panel's decision. Any such appeal should be in accordance with paragraph 40 of the Disciplinary Procedure and shall require the payment of any applicable fee. To appeal, a written Notice of Appeal shall be served on the other party within 28 days of the date of this written decision.

**Alun Jones, Barrister (Chairman)**

**Simon Lewis, Barrister**

**Steve Osbaldeston MBE, Regional Welfare Officer, East Midlands RBA**

**27<sup>th</sup> March 2018**