

**IN THE MATTER OF CHARGES BROUGHT BY THE ENGLAND AND WALES  
CRICKET BOARD AGAINST:**

**LEICESTERSHIRE COUNTY CRICKET CLUB and  
COLIN ACKERMANN**

**and**

**BEN MIKE and  
LEICESTERSHIRE COUNTY CRICKET CLUB**

**BEFORE THE DISCIPLINARY PANEL OF THE CRICKET DISCIPLINE COMMISSION**

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**DECISION OF THE CRICKET DISCIPLINE COMMISSION ON 2 AUGUST 2021**

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**INTRODUCTION**

- 1 At a virtual hearing on 2 August 2021, the Cricket Discipline Commission (CDC) Panel was asked to consider two separate matters (the facts of which are outlined further below). In the interests of transparency, as recorded in the disciplinary charge letters, it is noted that the ECB had invited the CDC Chair to initiate the summary procedure in respect of each of these matters and that the matters be dealt with separately but the CDC Chair did not consider that these matters were suitable for the summary procedure or that they should be dealt with separately. The CDC Chair has instead directed that these two matters be heard by a Disciplinary Panel and considered together.
- 2 It is common ground that each of the charged Participants are bound by the ECB rules, regulations and directives, including for these purposes the 2020 and 2021 versions of the CDC Regulations (as applicable) and the ECB Directives.

**FIXED PENALTY OFFENCES – LEICESTERSHIRE CCC and COLIN ACKERMANN**

***Charges***

- 3 Between 2 August 2020 and 1 July 2021 (i.e. a period of less than 12 months), Leicestershire CCC received six fixed penalties for breaches of ECB Directive 3.6. Colin Ackermann was captain of Leicestershire CCC on each of the six occasions that a fixed penalty was received. The facts, and dates, of each of the fixed penalties are set out below.
  - (a) Dieter Klein received a fixed penalty during Leicestershire's Bob Willis Trophy match against Lancashire on 2 August 2020. This was a Level 2 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 2(d) for throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner.
  - (b) Naveen ul-Haq received a fixed penalty during Leicestershire's Vitality T20 Blast match against Durham on 13 June 2021. This was a Level 1 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 1(h) for bowling a dangerous and unfair short pitched delivery and/or accidental non pitching delivery that resulted in the bowler being disallowed from bowling any further in that innings.

- (c) Scott Steele received a fixed penalty during Leicestershire's Vitality T20 Blast match against Durham on 13 June 2021. This was a Level 1 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 1(g) for any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence.
- (d) Naveen ul-Haq received a fixed penalty during Leicestershire's Vitality T20 Blast match against Durham on 13 June 2021. This was a Level 1 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 1(c) for showing dissent at an umpire's decision by word or action.
- (e) Ben Mike received a fixed penalty during Leicestershire's Vitality T20 Blast match against Northamptonshire on 20 June 2021. This was a Level 1 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 1(h) for bowling a dangerous and unfair short pitched delivery and/or accidental non pitching delivery that results in the bowler being disallowed from bowling any further in that innings.
- (f) Arron Lilley received a fixed penalty during Leicestershire's Vitality T20 Blast match against Nottinghamshire on 1 July 2021. This was a Level 1 fixed penalty pursuant to ECB Directive 3.6.2 paragraph 1(c) for showing dissent at an umpire's decision by word or action.

4 Paragraph 3.6.21 of the ECB Directives provides:

*Subject to the overriding discretion of the ECB Integrity Team, it will be a separate offence for a Team under this Directive 3.6.21 if:*

*(a) during any period of 12 months, Registered Cricketers registered with or on loan to the same First-Class County or Women's Elite Domestic Structure Senior Team whilst playing for that Team, receive 5 or more Fixed Penalties under Directive 3.6*

5 Paragraph 3.6.22 of the ECB Directives also provides:

*Subject to the overriding discretion of the ECB Integrity Team, where a Team is in breach of Directive 3.6.21 it shall be a separate offence for the captain under this Directive 3.6.22 where the same individual captained the Team in some or all of the matches in which the Fixed Penalties were received.*

6 The ECB therefore charged Leicestershire CCC and Colin Ackermann with breaches of paragraphs 3.6.21 and 3.6.22 of the ECB Directives respectively.

## **DISCUSSION**

7 The panel noted that Leicestershire CCC had been charged with breaches of the same Directive in 2015 and 2017 which the panel felt was relevant. There has been a change in management at the Club since that time. However, the charge remains against the Club as an entity. Despite some efforts by Mr Jarvis (CEO) to remind players about the importance of good discipline on the field (which the panel considered encouraging), the desired outcome had not been achieved. This reminder was sent after the ECB had written to the Club after the fifth fixed penalty but, in hindsight, it may have been useful to have been sent earlier. In fact, it was shortly after the reminder by Mr Jarvis that further ill-discipline took place. All three panel members have played professional 20 over cricket and are aware of the intensity of the cricket and the emotional impact that it can have on players. Nevertheless, it is entirely possible for the players to play within the spirit of the game and to abide by Directives and Regulations relating to conduct.

8 Despite Mr Jarvis' efforts, more needs to be done. It is encouraging that Mr Jarvis intends to enlist the help of a Match Referee before the start of the 2022 season in another attempt to drill into players the need for good discipline. Ms Taylor's suggestion was that the players devise their own document setting out the Values which are important to the players and a Code of Conduct with which they will all commit to comply. This suggestion was readily accepted by Mr Jarvis. We look forward to seeing the fruits of this work.

- 9 Mr Ackermann explained that he had spoken to all those involved in the Fixed Penalties and reminded them of their responsibilities. He rightly pointed out that he had little control over the accidental non-pitching deliveries. The panel's view was that he should become more proactive in terms of the discipline of his players and suggest that he takes personal responsibility for the setting and maintaining of player culture, Values and conduct, described above. Ultimately, the Directive lays responsibility for player conduct partly at his door.

### **SANCTIONS IN RESPECT OF LCCC AND COLIN ACKERMAN**

- 10 Subject to the over-riding discretion of the panel, should there be one or more fixed penalty issued to a Leicestershire player within 12 months of this hearing, the Club will be deducted either 12 LVCC points (or equivalent), 2 RL points (or equivalent) or 2 Vitality T20 Blast points (or equivalent). The more serious the breach or breaches, the more likely it is that points will be deducted.
- 11 Should there be one more fixed penalty issued to a Leicestershire player in a match being captained by Mr Ackermann within 12 months of this hearing, Mr Ackermann will serve a one match suspension, that match to be determined by the panel.

### **ECB DIRECTIVE 3.2 – BEN MIKE AND LEICESTERSHIRE CCC**

#### ***Charges***

- 12 During a match between Leicestershire CCC and Northamptonshire CCC in the Vitality T20 Blast on 29 June 2021, Ben Mike appeared to deliberately damage, or seek to damage, the pitch to gain an unfair advantage for his team. Video footage of the incident was provided to the CDC Panel.

- 13 Paragraph 3.2 of the ECB Directives provides:

*Each Participant shall at all times conduct themselves fairly and properly on the field which, for the purpose of this Directive 3.2, shall include any part of a cricket ground and not merely the field of play. Conduct which is not fair and proper shall include, but is not limited to:*

*13.1.1 verbal or physical abuse or hostility towards any other Participant, anti-doping or anti-corruption officer or any member of the public;*

*13.1.2 disputing an umpire's decision or reacting in an obviously provocative or disapproving manner towards an umpire at any time;*

*13.1.3 using crude and/or abusive language or hand signals or engaging in any similar conduct.*

- 14 If the Umpires had seen this conduct directly, they would have addressed the matter as outlined in Law 41.12, which provides 'it is unfair to cause deliberate or avoidable damage to the pitch'.

- 15 The introduction to the ECB Directives provides:

*In the event that any employee, officer, agent, committee or sub-committee member or any other person under the jurisdiction or control of any Member breaches any Directive, such breach shall also be deemed to be a breach of these Directives by that Member.*

- 16 Regulation 2.1.1 of the Cricket Discipline Commission (CDC) Regulations provides:

*The CDC shall have jurisdiction over all Members (who shall be accountable, additionally, for the acts, omissions and statements of all those who are its paid or unpaid employees, agents, officers of committees or committee members).*

- 17 The ECB therefore charged Ben Mike and Leicestershire CCC with breaches of paragraphs 3.2 of the ECB Directives.

### **DISCUSSION**

- 18 The incident was not seen by the Umpires on the day of the match. However, it was captured on video and Mr Mike was seen walking down the centre of the pitch just after the fall of a wicket and on at least 3 occasions was seen to agitate the surface of the pitch with his studs. The ECB's uncontested position is that if the Umpires had seen the incident, they would have addressed the matter under Law 41.12 which provides that it is unfair to cause deliberate damage or avoidable damage to the pitch. It would also have been liable to have resulted in a Level 2 fixed penalty. The ECB accepted that Mr Mike was acting without knowledge of the other players.
- 19 The panel is satisfied that the incident was serious but also that Mr Mike has shown genuine remorse and that it was out of character for him. He issued an immediate apology to all concerned when the matter became known. Mr Jarvis informs us that the Club intends to investigate the matter thoroughly and that they had not considered Mr Mike for selection for their most recent RL Cup match.
- 20 In their email correspondence dated 8 July 2021, both Mr Mike and Leicestershire CCC admitted that they were in breach of Directive 3.2.
- 21 The ECB invited the CDC Chair to consider initiating the summary procedure in relation to these ECB Directive 3.2 breaches. However, the CDC Chair declined to do so.
- 22 The ECB did not believe the matter is as serious as deliberate ball-tampering. This was on the basis that ball-tampering can materially affect the outcome of a match within a short space of time (whereas a regulatory breach of this nature is less likely to have a material impact on the game) and due to the significant damage that deliberate ball tampering can cause to the image and reputation of the sport. The panel agrees with this position.

#### **SANCTION IN RESPECT OF MR MIKE AND LEICESTERSHIRE CCC**

- 23 We have no reason to doubt Mr Jarvis' explanation that Mr Mike had already been determined to be unavailable for selection for a recent RL match as a result of the incident. Bearing that in mind but also the several attempts by Mr Mike to agitate the surface of the pitch with his studs, Mr Mike will serve an additional suspension from playing, namely he will be suspended for the RL match against Glamorgan on 5 August 2021. For the avoidance of doubt, the suspension would have been for 2 matches, however one of these has already been served, as set out above.
- 24 Leicestershire will be deducted one point from the Vitality T20 Blast total for 2021.
- 25 No financial penalty is imposed on Leicestershire CCC, Mr Mike or Mr Ackerman. There will be no order for costs in respect of the hearing.
- 26 All parties have a right to appeal this decision. We would refer you to the CDC Regulation 10 for more details.

Mike Smith (Chair)

Claire Taylor

Tom Poynton