

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

CARLTON TOWN FC

Appellant

and

THE FA ALLIANCE COMMITTEE

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Thursday, 9 June 2022, to determine an appeal by the Appellant against a decision of the Respondent, dated 12 May 2022.
2. This hearing was conducted by Microsoft Teams (video-conferencing).
3. The Appeal Board consisted of Mr Tony Rock (Chairperson), Mr Robert Purkiss MBE, and Mr Keith Allen.
4. Mr Michael O'Connor, the Lead Judicial Services Officer, acted as Secretary to the Appeal Board.
5. The Appellant was represented by Mr Alan Murphy, supported by Mr Mick Garton and Mr Dave Hodgson.
6. The Respondent was represented by Mr Mark Ives. Mr James Earl attended as an observer.

The Hearing

7. The Respondent, on 12 May 2022, notified the Appellant that next season they were to be laterally moved to the Northern Premier League East Division from the Northern Premier League Midland Division.

8. The Appeal Board noted that the Appellant was appealing on the following grounds:
 - a. Came to a decision to which no reasonable such body could have come.
 - b. Imposed a penalty, award, order or sanction that was excessive.
9. The Appeal Board thank both parties for the manner in which they made their submissions.
10. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, dismissed the appeal on both grounds.
11. The following is a summary of the primary considerations of the Appeal Board. The absence in these reasons of any particular point, or submission, should not imply that the Appeal Board did not take such point, or submission, into consideration when it considered the matter and reached its findings.
 - a. The Appellant submitted that, for a number of reasons, the Alliance Committee's decision to laterally move the Club was 'Wednesbury unreasonable'. In season 2022/23, clubs in the East Division were expected to travel 20,000 more miles than those in the Midland Division. In addition, the Committee's decision breached the sporting integrity of the National League System.
 - b. The Club estimated a significant rise in running costs whilst having to cope with a large loss in revenue. Lack of local derbies will have an impact on sponsorship and many players have already expressed concerns about travelling times to away fixtures. The Club submitted that players will more likely register with clubs who spend less time travelling. The Club also said that similar issues will affect the recruiting of coaching staff.
 - c. The Club have a duty of care to support its players, officials and spectators. The Club believe that the admission by the Alliance Committee that the impact of players not remaining with the same club

was not a significant factor they considered, to be irrational. Players and their relationship with spectators is so important to clubs.

- d. The Club highlighted that, within the National League System (NLS), there is precedent for leagues with more and sometimes less than 20 clubs. They think there should be a compromise for one season with the Midlands Division having 22 teams and the East Division having 18 teams.
 - e. The Respondent submitted that the decision to move the Club was in line with the current structure and criteria agreed by the FA Council, and that the decision of the Alliance Committee was not ‘Wednesbury unreasonable’.
 - f. The Respondent said that the sporting integrity of the NLS increased at each step of the NLS pyramid. There is a particularly significant increase when moving from Step 5 to Step 4. The Alliance Committee was keen to retain leagues of 20 clubs at Step 4.
12. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.
13. The Appeal Board order that the appeal fee be forfeited.
14. The Appeal Board’s decision is final and binding.

Tony Rock
Keith Allen
Robert Purkiss MBE

10 June 2022