

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL  
ASSOCIATION

BETWEEN

LUTTERWORTH ATHLETIC FC

Appellant

and

THE FA LEAGUES COMMITTEE

Respondent

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DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

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1. The Appeal Board conducted a hearing on Tuesday, 7 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 Paul Tompkins (Chairperson), Mr Robert Purkiss MBE, and Mr Glenn Moulton.
4. Mr Conrad Gibbons, the Judicial Services Officer, acted as Secretary to the Appeal Board.
5. The Appellant was represented by the attendance of Mr Michael English.
6. The Respondent was represented by Mr Mark Ives with Mr Mark Frost and Mr James Earl attending as observers.

**The Hearing**

7. The Respondent, on 12 May 2022, made a decision on the lateral movement of the Appellant. The Respondent laterally moved the Appellant from the United Counties Football League Division One to the Spartan South Midlands Football League Division One for the 2022/23 season.
8. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, noted the following.

9. The Appeal Board thanks both parties for the manner in which they made their submissions.
  
10. The Appeal Board noted that the Appellant was appealing on the following grounds:
  - a. Failed to give the Appellant a fair hearing.
  - b. Came to a decision to which no reasonable such body could have come.
  
11. The Appeal Board dismissed the appeal on both grounds.
  
12. The Appeal Board reached this decision considering the following:
  - a. The following is a summary of the primary considerations of the Appeal Board, however 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.
  - b. The Appellant is thanked for the manner in which they presented their appeal and the Appeal Board did consider the financial implications that the lateral move may impose upon the Club, specifically considering the potential loss of income from derby matches and the distances required to travel. Further, the Appeal Board accepted the contention of the Appellant that the travel time for away fixtures may be increased, due to the roads required to travel for some of the opponents within the League.
  - c. However, the Appeal Board noted that all parties were in agreement that the Appellant is a Club which are on a borderline of several potential leagues. The Appeal Board did not find a compelling argument from the Appellant as to a reasonable alternative outcome, nor were the Appeal Board satisfied there was a sufficient argument that the decision of the Respondent was one that no other reasonable such body could have come.
  - d. The Appeal Board accepted the Respondent's submissions as to whether a fair hearing was afforded as not being applicable for this matter. The Regulations upon which lateral movements are decided by the Respondent do not require that any observations are required of a Club subject to a lateral movement before the decision is made. As such, there is no hearing. Nevertheless, the Appeal Board had to be satisfied that the decision-making process was fair on the materials before the Respondent and was in line with the applicable regulations when making that decision and concluded that it was.

13. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.

14. The Appeal Board order that the appeal fee be forfeited.

15. The Appeal Board's decision is final and binding.

**Paul Tompkins**  
**Glenn Moulton**  
**Robert Purkiss MBE**

**10 June 2022**