

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 Wednesday 5 June 2024, to determine an appeal by the Appellant against a decision of the Respondent, dated 17 May 2024.
2. This hearing was conducted by Microsoft Teams (video-conferencing).
3. The Appeal Board consisted of Mr Tony Rock (Chairperson), Mr Daniel Mole, and Mr Glenn Moulton. Mr Conrad Gibbons, the Judicial Services Officer, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Alan Murphy, Committee Member, with Mr Mick Garton and Mr Tommy Brookbanks observing. The Respondent was represented by Mr Mark Ives, with Mr Matt Edkins and Mr James Earl observing.

The Hearing

5. The Respondent, on 17 May 2024, notified the Appellant of their decision that the Appellant's application to be laterally moved, from the Northern Premier League Division One East (NPL East) to the Northern Premier League Division One Midlands (NPL Midlands), was refused. As a consequence, the Appellant was allocated to the NPL East for the 2024/25 season.

6. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, noted the following.
7. The Appeal Board thanks both parties for the manner in which they made their submissions.
8. The Appeal Board noted that the Appellant was appealing on the following ground:
 - a. Came to a decision to which no reasonable such body could have come.
9. The Appeal Board unanimously dismissed the appeal on this ground.
10. 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 acknowledged that it was a high hurdle to clear when trying to argue that they should be moved laterally to the NPL Midlands. They stated that two factors should be considered. Firstly, that Long Eaton should be moved to the NPL East rather than Carlton Town FC and, secondly, that consideration should be given to the NPL East running with 21 teams next season. The Appellant stated that the most important factor when placing clubs is travelling times to games. They disputed some of the travelling times/mileage put forward by the Respondent, citing the NPL's own developed programme for determining mileage/travel times. They argued that whilst Long Eaton's average travelling distance to games in the NPL East would be 8 miles more per game than Carltons, their actual average travelling time to games would be 8 minutes less per game. This would amount to 168 minutes less travelling time over the course of a season. They argued, strongly, that Long Eaton had shorter travelling times and far more

convenient routes to away games. They also cited that Long Eaton has recently played in the NPL East.

- c. The Appellant drew attention to the fact that minutes of the FAAC's meetings of 14/15 May 2024 made no mention of Long Eaton being considered as a viable alternative to replace the Appellant in the NPL East. The Appellant stated that the Chair of the NPL (Mark Harris) was strongly in favour of the Appellant moving to the NPL Midlands, and also supportive of the two leagues running with an uneven number of clubs next season (21 in the NPL East and 23 in the NPL Midlands).
- d. In regard to running with an uneven number of clubs, the Appellant noted that, on 28 May 2024, the Respondent made a conscious decision to allow one of the Step 4 leagues to run with 21 teams next season. That decision was made 13 days after the Respondent had argued that integrity of the leagues was paramount and that leagues should have the same number of teams within each Step. The Appellant argued that this was clearly inconsistent decision making and unreasonable. The Appellant concluded that there was no justification for the Respondent not allowing the Appellant to laterally move to the NPL Midlands, and that the appeal should be upheld.
- e. The Respondent stated that they were not familiar with the NPL's developed programme and that when assessing mileage and travel times it was important to use one system. When using the FA system it was clear to the Respondent that the difference in mileage/travel times between Long Eaton and the Appellant was minimal. The Respondent accepted that Mark Harris (Chair of the NPL) was supportive of moving the Appellant laterally to the NPL Midlands. That said, he was in agreement that he would support the democratic decision of the FAAC. The Respondent accepted that Mr Harris' stance was one that they would expect him to take. He had a responsibility to support his clubs. However, the Respondent's task was to consider the general principles of fairness and that Mr Harris' solution was not supported by the FAAC. The Respondent drew the Appeal Board's attention to the fact that the

question of Long Eaton being moved to the NPL East had been discussed by the FAAC, along with many other issues, at their meeting on 14 May 2024.

- f. The Respondent addressed the issue of having uneven teams within leagues at the same Step. They quoted FA Regulations/National League System Regulation (Regulation 5.5.2c), stating that, whilst it is not a solution they would ordinarily support, the decision to run with 21 teams in a particular league was made in the interests of all involved.
 - g. During the 2024/25 season, the Respondent received 11 requests from clubs to be laterally moved. Three of those requests did not proceed due to promotion/relegation issues. Of the remaining 8 requests, three were granted.
 - h. The Appeal Board reminded itself that it is unable to impose its own solution in such cases and is only empowered by the FA Appeal Regulations to review the original decision of the Respondent. The Appeal Board concluded that whilst alternative solutions were available and considered by the Respondent, their decision not to laterally move Carlton Town FC to the NPL Midlands was reasonable and one that they were entitled to make.
11. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.
12. The Appeal Board order that the appeal fee be forfeited.
13. The Appeal Board's decision is final and binding.

Tony Rock (Chair)

Daniel Mole

Glenn Moulton

6 June 2024