

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

CLAPTON COMMUNITY FC

Appellant

and

THE FA LEAGUES COMMITTEE

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Monday, 10 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 Paul Tompkins (Chairperson), Mr Robert Purkiss MBE, and Mr Keith Allen. Mr Conrad Gibbons, the Senior Judicial Services Officer, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Paul Cockerton, with Mr Ric Prescod and Mr Sham Darr observing. The Respondent was represented by Mr Mark Ives, with Mr Mark Frost, 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 was to be laterally moved from the Eastern Counties League Division One South to the Southern Counties East Football League Division One 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 thank both parties for the manner in which they made their submissions.
8. The Appeal Board noted that the Appellant was appealing on the following grounds:
 - a. The Appellant was not afforded a fair hearing.
 - b. Came to a decision to which no reasonable such body could have come.
9. The Appeal Board unanimously dismissed the appeal on both grounds.
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. On considering the ground of appeal that the Respondent had come to a decision to which no reasonable such body could have come, the Appeal Board took careful consideration of the Appellant's geographical location, likely mileage to be travelled in the forthcoming season, and the availability of an alternative solution proposed by the Appellant. The Appellant presented 13 different metrics by which it sought to demonstrate that under no measure could they have been considered one of the three most likely candidates for lateral movement from the Eastern Counties League at Division One level.
 - c. By way of response, the Respondent explained that it had considered this specific move at its allocations committee meeting, including consultation with Southern Counties East Football League. The Appellant's metrics had provided a different perspective but did not in themselves demonstrate that the decision to allocate the Appellant to Southern Counties East League Division One for the forthcoming

season was either wrong or, at least, so unreasonable that no reasonable such body could have come to it. The perspective of the Respondent was nationwide when populating the various leagues and moving clubs has an implication on many other clubs.

- d. The Appeal Board reminded itself that it is unable to impose its own preferred solution in such cases and is only empowered by the FA Appeal Regulations to review the original decision of the Respondent. This ground for appeal only allows the Appeal Board to intervene when it considers the Respondent has come to a decision to which no reasonable such body could have come.
- e. When looking at league allocations objectively, the Appellant finds itself in a location where it is a club close to the border of two possible leagues and the Respondent must exercise objective discernment when placing clubs. Placing the Appellant club in the Southern Counties East League Division One was not perverse, irrational or wrong. To do otherwise could have overridden the principle of objectivity and fairness when applying the Regulations and would have risked preferring the Appellant's case over other clubs in a similar position. The Respondent had to consider the integrity of the National League System at Step 6. Therefore the Appeal Board is unable to find that that the allocation of the Appellant to Southern Counties East League Division One for season 2024-25 is a decision to which no reasonable such body could have come.
- f. On considering the ground for appeal that the Respondent had imposed a penalty, award, order or sanction which was excessive the Appellant accepted that their appeal was on the basis that the consequences of the allocation would have an excessively adverse impact upon the Appellant and these arguments underpinned the appeal on the ground that the decision on allocation was one to which no reasonable such body could have come. For that reason, the Appellant did not need to address the Appeal Board separately on this ground.

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.

Paul Tompkins

Keith Allen

Robert Purkiss MBE

10 June 2024