

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

MIDDLEZOY ROVERS FC

Appellant

and

THE FA LEAGUES COMMITTEE

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Wednesday, 12 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 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 Craig Berry, with Mr Liam Barnett 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 Western League Division One to the South West Peninsula League Premier Division 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 grounds:
 - a. Failed to give the Appellant a fair hearing.
 - b. Came to a decision to which no reasonable such body could have come.
 - c. Imposed a penalty, award, order or sanction that was excessive.

9. The Appeal Board unanimously dismissed the appeal on all 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. The Appellant said they were uncomfortable with the decision to move them from the Western League and couldn't understand why they were being singled out. The decision to move them felt very personal. Anyone aware of the geography of the area would conclude that the decision was simply unreasonable. The amount of miles the Appellant had to travel next season and the amount of time needed to travel those miles was more than any other club in the league. They asked the Respondent to inform them: 1) what consideration had been given to finding alternative solutions, including moving a specific club who would have far less travelling distance/time, 2) whether having an uneven number of clubs in the league had been discussed, 3) why three clubs who found themselves in the relegation zone had not been moved in preference to the Appellant who finished mid table and 4) why clubs were being promoted to fill vacancies in other leagues.

- c. The Appellant took the opportunity to give some background to the historic split of leagues in the South West Region, which at the time was deemed to be a good decision. They suggested that it is now very clear that this was a poor decision, leaving clubs vulnerable. The Appellant cited one club, Bishops Lydeard, who had struggled this season as a direct result of moving from the Western League to the South West Peninsula League, finishing in the relegation zone. They were concerned that, unless the decision was changed to allow them to remain in the Western League, the same could happen to them. Last season was the Appellant's first season at Step 6 and they fully understood the effect promotion within the NLS could have. They couldn't understand why in their first season (2023/24) they were placed in the Western League and not in the South West Peninsula League. If that had happened, they would have embraced the decision. But now having settled in to the Western League, and after only one season at Step 6, they were being moved. In their view, that decision was wrong.
- d. With the prospect of playing only 30 league games next season (they played 42 games this season) players were likely to be touted by other clubs. Already, other Western League clubs were showing interest in some of their players. The Appellant had been in discussion with the Bridgewater & Taunton College about developing a player pathway between the two organisations. This was reliant on players being based around the Bridgwater area. With the Respondent's decision to laterally move them to the South West Peninsula League, this was no longer an option. The Appellant said that this situation, in their view, was retrievable if the Respondent's decision was reversed.
- e. The Respondent assured the Appellant there was no 'hit list' and that they were not being singled out. They then responded to the issues raised by the Appellant. The Respondent said that the situation in the South West was difficult and unique, and that they recognised the geographical issues within the area. Whilst trying to promote football in that area, it was clear there were too many teams to operate with one

league, and not enough teams to operate with two. The challenge was to try and have an even number of teams in each league, ideally between 18 and 22. Currently the Western League has 22 teams and the South West Peninsula has 33 teams (16 in the Eastern Division and 17 in the Western). The Respondent said that sometimes they are forced to implement the least worst option.

- f. The Respondent reminded the Appeal Board that there was always alternatives, but to uphold the appeal they had to be satisfied that the decision in this case was so unreasonable that no such body should have made it. The Respondent said they are making every effort to uphold the principles of the NLS but this was currently not possible in the South West Peninsula Leagues. The Respondent then spoke about the integrity and issues regarding teams not playing every Saturday. They also made reference to how they deal with the lateral movement of clubs, including how they rank teams on a points per game basis.
- g. In their Notice of Appeal the Appellant stated that all three grounds of appeal amounted to the same thing; the Respondent had made an unreasonable and astonishing decision. The Appellant acknowledged that there had been no hearing per se, and so any appeal on the basis that they didn't receive a fair hearing was dismissed. The Appeal Board also dismissed any claim by the Appellant that the Respondent had imposed a penalty, award, order or sanction that was excessive. In dismissing that claim, the Appeal Board noted that the impact of the Respondent's decision placed a significant burden upon the Appellant. However, the Appeal Board determined that this is a consequence of the decision itself and could not therefore be deemed excessive.
- h. The Appeal Board finally considered the third ground of appeal; that the Respondent came to a decision to which no reasonable such body could have come. The Appeal Board took careful consideration of the grounds for appeal including, but not limited to, geographical location, likely mileage to be travelled in the forthcoming season and the availability of

an alternative solution proposed by the Appellant. 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. While there were possible arguments for leaving the Appellant in the Western League, the Appeal Board concluded that the Respondent's decision to laterally move the Appellant for season 2024/25 was one that they were entitled to make, and was not perverse, irrational or wrong. The Appeal Board therefore also dismissed this third ground of appeal.

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
Keith Allen
Robert Purkiss MBE

12 June 2024