

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL  
ASSOCIATION

BETWEEN

PETERSFIELD TOWN 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, 11 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 Glenn Moulton, 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 Ben Bentley, with Mr Dave Bourton and Mr Nick Orr 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 Wessex League Premier Division to the Southern Combination Premier Division 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 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. 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 the alternative solution proposed by the Appellant. The Appellant sought to demonstrate that to move them to the Southern Combination Premier Division imposed an unreasonable burden upon them compared with leaving them in the Wessex League Premier Division, one which in no circumstances could be considered fair. The Appellant also identified that travel to the teams in the Wessex League Premier Division is along much better roads and therefore there is a significant time difference.
  - c. Furthermore, their catchment for players and coaching staff lies to the south west of Petersfield and principally in the Portsmouth area: those players will find it much more difficult to travel east into the Southern Combination Premier Division or, most likely, won't travel at all. There

is an equally significant downturn in sponsorship interest for next season as the club will be playing outside the area of most of its sponsors.

- d. The Appellant also proposed a move for them back to the Wessex League could be achieved and would leave 21 teams in that Premier Division and 19 teams in the Southern Combination Premier Division.
- e. By way of response, the Respondent explained that their responsibility to the National League System has been dictated by the National Game Board and they must apply the Regulations not for the benefit of individual clubs but for the benefit of clubs as a whole. In this case, this meant that the allocation had to be appropriate for the whole of Step 5 nationwide and to consider individual cases on what was best for that individual club risked having knock on effects to the detriment of the whole system and potentially other clubs within the system.
- f. A lateral move should not have been a surprise to the Appellant. Not that the Appellant should have been expecting a lateral move but lateral moves are always possible and are always the talk of the National League System at this time of year so the Appellant, being a border club between two potential leagues, should have been aware that this was a possibility.
- g. On the question of placing an odd number of teams in leagues, this is something which the Respondent has studiously sought to avoid because, although there are occasions where this is unavoidable, not only is this policy, it is a requirement of the National Game Board. There would be questions of integrity for the competition were some leagues to be disproportionately smaller or larger, thus making promotion harder for some teams. In addition, this would increase the number of fallow weekends and would prevent leagues concluding their fixtures simultaneously on the last day of the season. For this reason, odd numbers of teams in leagues had to be avoided and ,where possible, all leagues were populated with 20 teams at Step 5.
- h. The grounds of appeal advanced by the Appellant did not in themselves demonstrate that the decision to allocate the Appellant to Southern Combination Premier Division 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.

- i. 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.
- j. 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 Combination Premier Division 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 5. Therefore the Appeal Board is unable to find that that the allocation of the Appellant to Southern Combination Premier Division for season 2024-25 is a decision to which no reasonable such body could have come.

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**  
**Glenn Moulton**

11 June 2024