

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

PINCHBECK UNITED 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 Lewis Thorogood, with Mr Gary Coomes 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, following relegation, was to be placed in the Eastern Counties Division One North for the 2024/25 season. The Appellant's preference was to be placed in the United Counties League Division One.

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. Came to a decision to which no reasonable such body could have come.
 - b. Imposed a penalty, award, order or sanction that was excessive.
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 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.
 - c. 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 Eastern Counties League

Division 1 was not perverse, irrational or wrong. To do otherwise would 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 Eastern Counties League Division 1 for season 2024-25 is a decision to which no reasonable such body could have come.

- d. 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 poor 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