

DECISION OF AN APPEAL BOARD OF THE FOOTBALL ASSOCIATION

IN THE MATTER OF AN APPEAL BY BARTON JUNIOR FC (the appellant) AGAINST A DECISION BY LINCOLNSHIRE FA (the respondent)

11 AUGUST 2022

APPEAL BOARD

Roger Burden (Chair)
Alan Darfi
Glenn Moulton

Conrad Gibbons (Secretary to the Board)

FOR THE APPELLANT

Vaughan Foster – Club Secretary

FOR THE RESPONDENT

Cissy Radford – County FA Football Development Officer

1. Summary of the Appeal

The Respondent rejected the Appellant's applications for dispensation for 3 of its teams (U-9, U-11 and U12) to play out of County.

The Appellant appealed those decisions on the grounds that the Respondent failed to give it a fair hearing and came to decision to which no reasonable body would have come.

2. The Regulations

- Before commencing the Appeal, the Appeal Board acquainted itself with the Womens' Football Pyramid Regulations from the FA handbook.
- We agreed that the following were the appropriate Regulations (and this was not disputed by either party) -

12. GIRLS' TEAMS PLAYING IN LEAGUES

12.1 Any clubs wishing to enter a girls' team into a league competition shall only do so if the league competition is sanctioned by the County Association with which the club is in membership. If the club is in membership of more than one County Association, the league competition must be sanctioned by the Club's Parent Association.

This Regulation 12.1 applies to all new and existing teams, irrespective of whether a club has another team already competing in a league sanctioned by The Association or any County Association.

12.2 The following exceptions to the above regulation shall apply, and a team shall be permitted, for one Playing Season only, to compete in a league sanctioned by The Association or any County Association, regardless of whether the club is in membership of it, provided that the club can establish:

(a) the travelling required to compete in a league sanctioned by The Association or another County Association is significantly less onerous than the travelling that would be required to compete in the appropriate league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable);

(b) there is no appropriate age group division in the league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable) for the new team to compete in; or

(c) the league sanctioned by the County Association with which it has membership (or its Parent Association, where applicable) does not offer the format of football that the Club wishes the new team to compete in eg 11 v 11, 7 v 7.

The County Association with which the Club is in membership, or the Club's Parent Association where applicable, shall decide, whether any one of the above exceptions applies and if so whether the team may compete in a league sanctioned by The Association or another County Association. The County Association or Parent Association shall review this decision annually based on the exceptions set out in (a) to (c) above and having regard to the playing standard of the team, the development of girls football in the area, the league in which it has been given permission to participate and the league it would be required to participate in if it was required to play in a league sanctioned by the County Association with which it has membership or its Parent Association as appropriate.

3. Summaries

- I have summarised below the submissions and our deliberations. As it is a summary, I have not included every detail but the Appeal Board read, listened to, and carefully considered all the submissions.

4. Summary of Appellant's Written Submissions.

- Vaughan Foster submitted that the reason for rejecting the applications was on the basis that time travelling was not vastly higher in the Lincolnshire County League. He disputed this reason and gave the following examples of the Club's mileage in the Lincolnshire League – Epworth 56, Grimsby 44, Louth 74 and Lincoln 76. He then gave the following examples of its mileage in the East Riding league – Hull 22, Beverley 28 and Preston 36.
- For its U-9 team, Vaughan stated that, following failed appeals last year, for the then U-8 team, Lincolnshire overturned the appeal ruling in December due to a lack of teams in the Lincolnshire League and allowed the team to play in the East Riding League. He suggested that the team is now established in the East Riding League.

- For its U-11 team, Vaughan submitted that the team had a very poor season due to the lack and infrequency of games.
- For its U-12 team, Vaughan submitted that the decision to reject its application was staggering as, since the team's formation, it had played all its games in the East Riding League during the past few seasons.
- In a further submission, Vaughan emphasised the points that he had previously made and again set out some distances to be travelled but added that, although he understood that fixtures are not a consideration for dispensation, they should be taken into account.

5. Summary of Respondent's Written Submissions

- Cissy Radford submitted that it is now compulsory that all female teams play in their parent County League where there is provision available. Should any team wish to play outside of this provision they must first be granted dispensation, for each age group, by their parent County FA prior to confirming registration in any league.
- Cissy then said that the intention is to introduce a north and south geographical split in the U-9 age group, leading to a reduction in travelling time.
- In dealing with the U-11 team, she said that 16 teams applied to join that division for the 22/23 season, enabling another geographical split that will reduce travelling times
- For the U-12 division, Cissy said that there are 19 teams for the 22/23 season, a 216% growth over the previous season. As a result, a geographical split will be implemented in this division.
- Finally, Cissy said that because of the geographical splits, Barton will not have to travel to the other end of the County, something to which the club had referred in its applications for dispensation.

6. Verbal Submission by the Appellant

- Vaughan told us that the Club only had to travel 5 minutes across the bridge into Hull where there were lots of teams.
- He said that the U9s (last year's U8s) were allowed to play in East Riding last year so were established in that league.
- The U11s were playing the same teams week in and week out due to the lack of teams.
- The U12s had always played in the East Riding league, and it made no sense that it was not agreed this year.

- He said that travel costs were important as fuel has become very expensive. In addition they had children sitting in a car for an hour and then playing for less than an hour.

7. Verbal Submission by the Respondent

- Cissy said that the County FA had to make decisions for every girl in every club and not just for the development of one team
- She said that travel within the County was an on-going problem and so they had worked hard to reduce travel times and had introduced a north and south split for the new season in the U9, U11 and U12 age groups meaning that no Barton team will need to travel to the south of the County this season.
- Cissy said that they are introducing mini-tournaments to give more fixtures and they intend to open up new league entry-points at Christmas in order to take advantage of the new interest in the game, following the recent success of England's womens' team.
- Finally, she said that the County looks to offer a better-quality experience for all its teams and Barton helps the County in this regard.

8. Appeal Board Questions

In responding to our questions

- Vaughan said that he had been in touch with the East Riding league and that league was aware of this appeal. He said that the U14 and U16 team played in East Riding as there was no provision in Lincolnshire.
- He told us that, with the new geographical split in Lincolnshire, playing in East Riding would still involve less travelling and would continue to offer more teams of a good standard to play. He set out the team numbers for us.
- Cissy told us that Vaughan's numbers were correct but the County FA was doing all it could to increase its numbers and was anticipating growth following England's success.
- She said that she felt the north/south split produced viable leagues with reduced travelling but, if they lost clubs, they would have to revert to a County-wide league again.

9. Final Submission from the Respondent

- Cissy said that the County FA has acted by the book, having followed the regulations and that the geographical split had helped everyone by reducing travelling times.

10. Final Submission from the Appellant

- Vaughan told us that the development of the girls should be a priority and not just the time spent travelling.

11. The Appeal Board's Deliberations

- Vaughan clearly wanted more frequent football, against a variety of teams that would give Barton's teams competitive games. Perfectly reasonable desires and ones with which we sympathised.
- We recognised the County FA's ambitions to increase the number and quality of its girls' teams and, whilst there had been an increase in numbers, we felt some of Cissy's assumptions about the future were being rather over-optimistic.
- However, whilst we did have some sympathy with the Appellant's situation, the Regulations make no mention of numbers of fixtures. Where the Regulations refer to the fact that a team might have played out of County in the previous season, we did not find that the County had erred when considering whether it was appropriate to not give dispensation for a further season. All participants, and the Appeal Board, are, of course, governed by the Regulations.
- It did appear that, even with the new geographical split, on a team-by-team basis, the Appellant would still be involved in more travelling within Lincolnshire than if it played in East Riding. However, the additional fixtures which appear to be offered by East Riding would, of course, increase the travel requirements over the course of the season, together with the associated costs.
- Regulation 12.2 (a) states that to compete in a league sanctioned by another County Association, the travelling involved must be **significantly** less onerous (my emphasis). This was clearly not going to be the case in the new season with the new geographical split.
- Although the Appellant challenged the number and quality of some of the teams with which they would have to compete in Lincolnshire, suggesting that they did not give his teams frequent and testing games, Regulations 12.2 (b) and (c) simply say that, to compete in another County, there needs to be no appropriate age group division, or that the particular format of football is not offered, within the team's own County. The Regulations make no mention of a minimum requirement to form a division. The fact is that the Respondent does offer divisions for each of the Appellant's age groups included in this appeal, although its divisions may have fewer teams than those in East Riding.

12. The Appeal Board's Decisions

- The first ground of “Failed to give the appellant a fair hearing” - the “hearing” in this case was the consideration given to the appellant’s request for dispensation. It was clear to us that the Respondent had given full and fair consideration to the matter and had taken steps to overcome Appellant’s reasons for requesting dispensation. We dismissed this part of the appeal
- The second ground of “Came to a decision to which no reasonable body could have come”: the hurdle for this is extremely high as the Appellant has to show that the decisions were so unreasonable that no other reasonable body, acting reasonably, could have made them.

This was clearly not the case here, as in each of the Appellant’s age groups, the Respondent had properly applied the Regulations in reaching its decisions. We also dismissed this part of the appeal.

- The Appeal Board made no decision as to costs

The decision is final and binding on all parties.

Roger Burden
Chair
15 August 2022