

**CHESTER LE STREET HUDDERSFIELD TOWN PV/PARK VIEW  
ACADEMY(Appellant)**

**-and-**

**NATIONAL FOOTBALL YOUTH LEAGUE (Respondent)**

**DECISION OF THE APPEAL BOARD 29 August 2023**

1. The Appeal Board comprised:
  - a. Roger Burden (Chair) - Former FA Council Member
  - b. Alan Darfi – Football Panel Member
  - c. Jonathan Rennie - Football Panel Member

Jack Mason (FA National Secretary) was Secretary.

2. The Appeal was held online as a paper hearing.
3. This document constitutes the written reasons for the Appeal Board’s decisions. The documentation for this appeal consisted of 164 pages plus the Respondent’s Rules and Articles. The Appeal Board considered the entirety of the evidence put before it. If this document does not expressly refer to a particular point, document or submission, it should not be inferred that the Board overlooked or ignored it.

For the avoidance of doubt, the Appeal Board carefully read and considered all the submissions.

**BACKGROUND**

4. The Respondent held an SGM to consider a resolution put forward by its Management Committee to exclude the Appellant from future membership due to alleged, proven, integrity cases.
5. The resolution was passed at that Special General Meeting. The votes were – 26 in favour, 11 against, with 10 abstentions, resulting in the Appellant being excluded from the Respondent’s League for the coming season.

**The Appeal**

6. The Appellant appealed on 4 grounds:
  - a. That the Respondent failed to give the Appellant a fair hearing.
  - b. That the Respondent failed to comply with the Rules and or Regulations of the Association relevant to its decision.

- c. That the Respondent came to a decision to which no reasonable body could have come.
- d. That the Respondent imposed a penalty, award, order or sanction that was excessive.

### **Summary of the Appellant's Written Submissions to the Appeal Board**

- 7. The notice of the SGM stated that it was called by the Management Committee but Rule 1A of the Respondent's rules defines "Management Committee" as the Board of Directors where the competition is incorporated. Companies House lists Louise Macey, the League Secretary as the sole Director.

Article 16.2 of the Respondent's articles states "*The quorum for Directors' meetings.....must never be less than two...*"

Where the number of Directors is less than the quorum, Article 16.3 only allows a general meeting to be called to appoint further Directors.

In light of the above, Louise Macey did not have the authority to call the SGM, making the decision to remove the Appellant unconstitutional and invalid.

- 8. The two integrity cases referred to by the Respondent involved officials of the Appellant and not the Appellant itself.

The Respondent had informed its clubs of the details of one of those cases but had failed to inform them of any details of the second case.

The charge sheets for the two cases both stated that the charges were failure to play a fixture on the date fixed, contrary to League Rule 20B.

That rule does not state that failure to comply could result in the Club being expelled, it says that failure will result in a fine.

The consequences of the decision jeopardises the very existence of the Club.

A significant number of fixtures were unfulfilled during the season but the Management Committee has not recommended that those other clubs be removed. This is unfair and unconstitutional.

- 9. There appears to be no rule dealing with the quoracy of the SGM. The meeting was therefore not quorate and it is a basic principle of company law and general governance that a meeting must be quorate for decisions to be valid.
- 10. The Management Committee was permitted 3 votes but that Committee consisted only of Louise Macey whose decision-making authority was restricted under the Articles.

In any case, the Management Committee should not have been permitted to vote as it had brought the charges against the Appellant.

The Appellant was not allowed to vote.

11. The voting process was not transparent as all persons dialing in to the SGM were asked to switch their cameras off.
12. The Independent Teller had stated that although some Clubs had not followed the correct format for voting, their intentions were clear and their votes were not voided.

The Appellant expressed concern that votes that should not have been counted, were counted.

13. One member Club did not receive the notice of the SGM and was not permitted to vote. The Appellant understood that the Club would have voted against the resolution.
14. Rule 9C of the Respondent's Rules states that at least 7 days' notice shall be given of a meeting but the Respondent circulated the notice of the SGM by email on 6 July at 15.18. The notice stated that the SGM would take place on 13 July at 12 noon, meaning that less than 7 days' notice was given.

### **The Respondent's Written Submissions to the Appeal Board**

15. The Company, through its sole Director, has delegated authority under Article 11.1(a) for its activities to be managed by the Management Committee to ensure that it complies fully with the Standard Code of Rules.
16. The Respondent is sanctioned under "The National Youth Football League" and not the CIC Company.
17. The Appellant has been a member of the Competition for some period, is aware of how it operates, actively participates in its activities and therefore accepts the approach that is followed in the operation of the Competition.
18. The two individuals subject to the proven integrity cases were representing the Club.
19. The exclusion was not a "sanction" it was a decision by member clubs and could not be considered excessive as it was a "yes" or "no" decision.
20. The argument that other clubs were not treated similarly has no merit as the Appellant was not removed for non-fulfilment but for "match fixing".
21. The Standard Code of Rules do not require a set quorum for an SGM.
22. Any quorum has clearly been met as the number of votes cast indicates the number of clubs present.

23. The voting eligibility of the three Management Committee members is allowed under League Rule 9F.
24. The teller was right to exclude the Appellant from the vote as League Rule 12 B states “*A Club whose conduct is the subject of a vote being taken shall be excluded from voting.*”.
25. The teller was an Independent Sports Consultant from the Rugby League. He is a compliance officer for UK Sport and independent from the Respondent.
26. Notice of the meeting was served on Thursday 6 July and the meeting held on Thursday 13 July – this is 7 days and therefore the notice period has been met.
27. The consequences to the Appellant of the decision to remove it have no bearing on the constitutional nature of the SGM.

### **The Appeal Board’s Deliberations**

28. We noted League Rule 7.G. “*No appeal can be lodged against a decision taken at an AGM or SGM unless this is on the ground of constitutional conduct*”.

This rule negated some of the Appellant’s challenges, which I will identify in these deliberations.

We dealt with each of the Appellant’s challenges in the order that I have set out in the Appellant’s submissions in paras 7 to 15 above, For ease of reference, I will refer to those paragraph numbers in these deliberations.

29. Re Para 7. – We accepted the Respondent’s response regarding the definition of its League Management Committee and that the activities of the Committee had been accepted practice.

We noted that the Appellant had been a member of the Competition for some period and had actively participated in the activities.

In particular, we noted that the Appellant had raised no objection to the role and authority of the Management Committee immediately prior to the SGM despite being fully aware of the special resolution. In fact, it had attended the meeting, and only raised its objection once the special resolution had been passed.

30. Re Para 8. – These were not constitutional matters therefore we could not consider them.
31. Re Para 9. – The Respondent’s Rules comply with the FA’s Standard Code of Rules. Those Rules are silent re a quorum. However, as at least 47 Clubs were in attendance at the meeting, there was clearly an appropriate minimum number to conduct the business of the meeting.

32. Re Para 10.- The decisions to allow the Management Committee to vote, but not allow the Appellant to vote, complied with League Rules 9F and 12B.
33. Re Para 11.- The absence of cameras at the SGM did make it less transparent than would otherwise have been the case but did not make the meeting unconstitutional.
34. Re Para 12.- It was unclear as to exactly how some Clubs had not followed the correct voting format but we were entirely satisfied with the credentials of the Independent Teller who obviously satisfied himself about the way such votes should be applied.
35. Re Para 13.- The Respondent did not respond to this particular challenge but the Appellant had provided no evidence that one Club had not received a Notice of the Meeting, nor that it would have voted against the resolution.
36. Re Para 14. – We were satisfied that, with the Notice being served on Thursday 6 July and the meeting being held on Thursday 13 July, the requisite 7 days' notice had been given.

We also noted that a large number of the member clubs, including the Appellant, attended the meeting, with no suggestion that proper notice had not been served.

#### **The Appeal Board's Decision**

37. For the reasons set out in our deliberations, the Appeal Board was satisfied that nothing about the SGM was unconstitutional. The Appeal is dismissed in its entirety.
38. The Appeal Fee to be forfeited.
39. There was no order as to costs.
40. The Appeal Board's decision is final and binding on all parties.

Roger Burden  
Chair  
30 August 2023.