

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

FC PETERBOROUGH

Appellant

and

THE FA LEAGUES COMMITTEE

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

Introduction

1. The Appeal Board conducted a hearing on Thursday, 1 June 2023, to determine an appeal by the Appellant against a decision of the Respondent, dated 15 May 2023.
2. This hearing was conducted by videoconference.
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Keith Allen, and Mr Glenn Moulton. Mr Paddy McCormack, the Judicial Services Manager, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Shahzad Hamid, Director. The Respondent was represented by Mark Ives and attending as observers, Mr Mark Frost, Mr James Earl, and Mr Matt Edkins.

The Hearing

5. The Respondent, on 15 May 2023, notified the Appellant of their decision that the Appellant was allocated to the Eastern Counties League following their promotion.
6. The Appeal Board carefully considered the submissions of the parties and the appeal bundle. The Appeal Board thank both parties for the manner in which they provided both their written and oral submissions.
7. The Appeal Board noted that the Appellant was appealing on the following ground(s):
 - a. The Respondent failed to give the Appellant a fair hearing; and/or
 - b. The Respondent came to a decision to which no reasonable such body could have come.

Decision

8. The Appeal Board dismissed the appeal on both grounds.
9. 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 the first ground of appeal, that the Respondent failed to give the Appellant a fair hearing, the Appeal Board took notice of the fact there had not been a first instance hearing and interpreted the ground of appeal as one against the process which had been adopted. The Appeal Board was satisfied that the process had been applied equally across the National League System and that the same criteria had been applied when allocating all clubs and the process had not placed the Appellant at any disadvantage nor had the Appellant being treated differently from other clubs.
 - c. The Appeal Board considered the second 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 geographical location and likely mileage to be travelled in the forthcoming season. However, when looking at league allocations objectively, the Appellant is in a location where it can expect to be a club on the borders of two or more possible leagues and the Respondent has to exercise objective discernment when placing clubs. While there were possible arguments for placing the Appellant in the Spartan League South Midlands, placing the Appellant club in the Eastern Counties League was not perverse, irrational or wrong and therefore the Appeal Board is unable to find that that this is a decision to which no reasonable such body could have come.
10. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.
11. The Appeal Board order that the appeal fee be retained.
12. This decision of the Appeal Board is final and binding.

Paul Tompkins (Chair)

Glenn Moulton

Keith Allen

8 June 2023