

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

LONDON COLNEY 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, 5 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 Correspondence.
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Keith Allen, and Mr Glenn Moulton. Mr Conrad Gibbons, the Judicial Services Officer, acted as Secretary to the Appeal Board.

Preliminary Application

4. Prior to the hearing, the Appeal Board was invited to consider an application of the Appellant to be allowed to proceed with their appeal despite filing the Notice of Appeal outside of the regulatory timeframes.
5. Following considering the written submissions of the parties and the remit of the Appeal Board, in accordance with the Non-Fast Track Appeal Regulations 2022/23, the application was allowed.
6. In reaching the decision to allow the application, the written submissions made on behalf of the Appellant as to why they should be allowed for the appeal to be formally considered and noting the Respondent did not object to the application were considered. Bearing in mind the overriding principle of fairness to all parties, it was concluded that it would be unduly harsh to

dismiss the appeal on a technicality in the context of the decision subject of appeal and the timescales.

The Hearing

7. The Respondent, on 15 May 2023, notified the Appellant of their decision that the Appellant was to be allocated to the Combined Counties League Division One (CCL1) following their relegation.
8. The Appeal Board, having taken into account the submissions of the parties and having given the Appeal Bundle careful consideration, noted the following.
9. The Appeal Board thank both parties for the manner in which they made their submissions.
10. The Appeal Board noted that the Appellant was appealing on the following ground(s):
 - The Respondent came to a decision to which no reasonable such body could have come.
11. The Appeal Board unanimously dismissed the appeal on this ground.
12. 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. 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 CCL1 was not perverse, irrational or wrong. To do otherwise would have overridden the principle of 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 CCL1 for season 2023-24 is a decision to which no reasonable such body could have come.

13. The Appeal Board considered the matter of costs and decided that there would be no order as to costs.
14. The Appeal Board order that the appeal fee be forfeited.
15. The Appeal Board's decision is final and binding.

Paul Tompkins (Chair)

Keith Allen

Glenn Moulton

8 June 2023