

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL  
ASSOCIATION

BETWEEN

NORTHWICH VICTORIA FC

Appellant

and

THE FA LEAGUES COMMITTEE

Respondent

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DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

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1. The Appeal Board conducted a hearing on Tuesday, 6 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 Microsoft Teams (video-conferencing).
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Keith Allen, and Ms Laura McCallum. Mr Michael O'Connor, the Lead Judicial Services Officer, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Ian Egerton, Club Secretary and Chair and Mr Brian Turner, Club President. The Respondent was represented by Mr Mark Ives and, attending as observers, Mr Mark Frost and Mr James Earl.

**The Hearing**

5. The Respondent, on 15 May 2023, notified the Appellant of their decision that the Appellant was to be laterally moved from the North West Counties League Premier Division to the Midland League, Premier Division.
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 ground(s):
  - a. The Respondent misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision.
  - b. Came to a decision to which no reasonable such body could have come.
  - c. Imposed a penalty, award, order or sanction that was excessive.
9. The Appeal Board dismissed the appeal on all 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 the first ground of appeal, that the Respondent misinterpreted or failed to comply with the Rules and/or regulations of The Association relevant to its decision, took notice that the Respondent had followed the National League System Regulations objectively. The Respondent was tasked with allocating clubs at Step 5 so as to achieve as even an allocation of clubs across the leagues operating at Step 5. The possibility of a lateral move, such as has happened to the Appellant, is foreseen at 6.1 of those Regulations. 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 therefore the Respondent had complied with the applicable rules and regulations.
  - 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, 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 on the border of two possible leagues and the Respondent must exercise objective discernment when placing clubs. While there were possible arguments for leaving the Appellant in the North West Counties League Premier division (NWCP), placing the Appellant club in the Midland League Premier division (MPL) was not perverse, irrational or wrong. To do otherwise would have produced a marked imbalance in the respective leagues with 25 teams in the NWCP for the forthcoming season and only 17 teams in the MPL. This imbalance would have affected the integrity of the National League System at Step 5. Therefore the Appeal Board is unable to find that that the allocation of the Appellant to MPL for season 2023-24 is a decision to which no reasonable such body could have come.

- d. The final ground of appeal was that the Respondent had imposed a penalty, award, order or sanction that was excessive. No penalty, award, order or sanction had in fact been imposed but the Appeal Board took notice of arguments from the Appellant that the effect of their allocation for the forthcoming season placed a significant burden upon the Appellant. This is a natural consequence of the allocation itself and, the first two grounds of appeal having failed, the Appeal Board considered the consequences flowed from the objective exercise of the Regulations and could not therefore be deemed excessive.

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 (Chair)**

**Keith Allen**

**Laura McCallum**

**8 June 2023**