

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL
ASSOCIATION

BETWEEN

RETFORD UNITED 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, 10 June 2024, to determine an appeal by the Appellant against a decision of the Respondent, dated 17 May 2024.
2. This hearing was conducted as a Correspondence Hearing via Microsoft Teams.
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Robert Purkiss MBE, and Mr Keith Allen. Mr Conrad Gibbons, the Senior Judicial Services Officer, acted as Secretary to the Appeal Board.

The Hearing

4. The Respondent, on 17 May 2024, notified the Appellant of their decision that the Appellant was to be laterally moved from the Northern Counties East League Division One to the United Counties League Division One North for the 2024/25 season.
5. The Appeal Board, having given the Appeal Bundle careful consideration, noted the following.
6. The Appeal Board thank both parties for the manner in which they made their written submissions.

7. The Appeal Board noted that the Appellant was appealing on the following ground:
 - a. Came to a decision to which no reasonable such body could have come.
8. The Appeal Board unanimously dismissed the appeal on this ground.
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. The Appellant stated that their playing and coaching staff are all South Yorkshire people and reside in South Yorkshire, which is the area covered by the Northern Counties East League and outside the area of the United Counties League, Therefore, players and staff retention would be extremely difficult as a result of the lateral move because those people would be reluctant to travel the additional time and distance required.
 - c. The distances required to compete in the United Counties League Division One would be significantly greater and would reduce the number of traveling fans who would be prepared to come to matches to support the team away from home.
 - d. Although geographically based in Nottinghamshire, the club looks to South Yorkshire for much of its sponsorship and commercial income. The lateral move to the United Counties League would result in no matches being played in that geographical area with the likely result that sponsors would withdraw.
 - e. The Appellant stated that “the main factor for our appeal, is to keep this club active through the financial support we have built”.
 - f. 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, the commercial impact, the location of players and coaching staff and the availability of an alternative solution proposed by the Appellant.

- g. 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.
- h. The Appeal Board also reminded itself that the geographical location of any club is the ground at which it plays home fixtures and factors such as the catchment area for players, coaching staff, sponsors and supporters are not factors to be taken into consideration when considering league allocation.
- i. 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. The Appeal Board considered the appeal was based on the subjective preference of the Appellant, most notably from a commercial perspective, and placing the Appellant club in the United Counties League 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 for season 2024-25 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 forfeited.

12. The Appeal Board's decision is final and binding.

Paul Tompkins
Keith Allen
Robert Purkiss MBE

10 June 2024