

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BETWEEN

MERTHYR TOWN FC

Appellant

and

NLS OPERATIONS COMMITTEE

Respondent

DECISION AND WRITTEN REASONS OF THE APPEAL BOARD

1. The Appeal Board conducted a hearing on Tuesday, 3 June 2025, to determine an appeal by the Appellant against a decision of the Respondent, dated 15 May 2025.
2. This hearing was conducted by Correspondence.
3. The Appeal Board consisted of Mr Tony Rock (Chairperson), Mr Robert Purkiss MBE, and Mr Glenn Moulton. Mr Conrad Gibbons, the Senior Judicial Services Officer, acted as Secretary to the Appeal Board.

The Hearing

4. The Respondent, on 15 May 2025, notified the Appellant of their decision that following promotion they had been allocated to the National League North for the 2025/26 season.
5. The Appeal Board, having taken into account the submissions of the parties and 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 submissions.
7. The Appeal Board noted that the Appellant was appealing on the following ground:

That the body whose decision was appealed against...

 - a. Came to a decision to which no reasonable such body could have come.
8. The Appeal Board noted there was reference to the decision leading to a 'solution that was excessive', however this was considered as a submission in relation to the reasonableness of the decision.
9. The Appeal Board unanimously dismissed the appeal on this ground.
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. The Appellant stated that, based on absolute geographical location, Vauxhall Road, the home ground of Hemel Hempstead Town (Hemel), is situated further north than Penydarren Park, the home ground of Merthyr Town (Merthyr). The Appellant submitted a comparison of the average and total travel times for both clubs if they were to play in the

National League North (at this time it is proposed that Merthyr play in the National League North and Hemel play in the National League South).

- c. The Appellant further submitted that, if placed in the National League North, Hemel would have four journeys of less than 75 miles one way, whilst Merthyr only have one. Merthyr's total travel time both ways would be 164 hours, while Hemel would be 129 hours. When taking player welfare into consideration, Merthyr would be spending 35 more hours travelling than Hemel.
- d. The Appellant also stated that Hemel's location adjacent to the M1 would make travelling to the north of the Country much more convenient than for Merthyr, who would have to travel via 'A' roads and the M50 to reach the M5. They submitted that this was something which the FA may have failed to take into consideration when arriving at its decision.
- e. As a final observation, the Appellant stated that their nearest opponent in the National League North will be Hereford FC, some 60 minutes away. They compared this with Hemel, who, if they took Merthyr's place in the National League North, would still be within 85 minutes or less of four other clubs. Fundamentally, it is Merthyr's submission that they should be placed in the National League South and that Hemel should move from National League South to National League North.
- f. The NLS Committee's response included a standard/general response to all appeals in regard to club placements for next season, and also a detailed response in regard to Merthyr's appeal specifically. They submitted that there will always be subjective opinions and alternative options, but the matter in question is whether this decision is one that is open for the Committee to make.
- g. The Respondent submitted that it is preferable, where possible, to have an even number of clubs in each division, so that all clubs play weekly and that sporting integrity is maintained. Naturally there will be some additional travel in one division compared to another, and the

difficulties are increased the higher the level of football that is played. Step 2 is the most difficult to allocate being the last of the divisions in the NLS that is regional.

- h. The Respondent accepted that when looked at in isolation, focussing only on this one club, there could be an alternative choice that would result in less travelling time and mileage. They understood why the Appellant will look at this through a single lens. However, the challenge facing the Association is that it needs to look through the lens of the entire NLS, analysing Step by Step.
- i. They acknowledged that if Merthyr and Hemel were swapped then Merthyr would see a benefit to travel distance and time. However, Hemel would see a greater (negative) impact as a result. Whilst Merthyr would benefit, the Step level as a whole would not. To support this position the Respondent detailed mileage and travelling times for both clubs.
- j. The Respondent said there was an assumption made by Merthyr that the NLS Committee had failed to consider the road networks readily available to both clubs. This was just that, an assumption, as the Committee did discuss the road networks available to these two clubs, and indeed to other clubs. They added that reference to Hereford being Merthyr's nearest opponent (60 minutes/48 miles away) was a bit of a red herring, as if placed in the South Division their nearest opponent would be Weston-Super-Mare FC (84 minutes/72.4 miles away).
- k. The Appeal Board reminded itself that it is unable to impose its own solution in such cases and is only empowered by the FA Appeal Regulations to review the original decision of the Respondent. The Appeal Board concluded that whilst alternative solution(s) were available and considered by the Respondent, their decision to place Merthyr Town in the National League North for season 2025/26 was reasonable and one that they were entitled to make.

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.

Tony Rock - Chair

Glenn Moulton -Wing

Robert Purkiss MBE - Wing

5 June 2025