

IN THE MATTER OF THE APPEAL BOARD OF THE FOOTBALL ASSOCIATION

BETWEEN

CLAPTON COMMUNITY FC

Appellant

and

NLS OPERATIONS 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 Wednesday, 4 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 Microsoft Teams (video-conferencing).
3. The Appeal Board consisted of Mr Paul Tompkins (Chairperson), Mr Keith Allen, and Mr Glenn Moulton. Mr Marc Medas, the Judicial Services Officer, acted as Secretary to the Appeal Board.
4. The Appellant was represented by the attendance of Mr Paul Cockerton, with Ric Prescod attending as an observer. The Respondent was represented by Mr Mark Ives, with Matt Edkins and Mark Frost observing.

### **The Hearing**

5. The Respondent, on 15 May 2025, notified the Appellant of their decision to refuse their request for a lateral movement to the Eastern Counties League (ECL) Division One South at Step 6. As such, the Club were allocated to remain in the Southern Counties East League (SCEL) Division One for the 2025/26 season.
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):

That the body whose decision was appealed against...

  - a. came to a decision to which no reasonable such body could have come.
9. The Appeal Board unanimously allowed 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. In addition to the ground of appeal cited in paragraph 8 above, the Appellant sought to widen its appeal to include other grounds but, as these had not been included in the notice of appeal and written

submissions, the Appeal Board did not allow this and oral submissions of this nature were disregarded when coming to its decision. The Appellant also sought to rely upon the precedent of an apparently favourable allocation appeal decision from 2023 but the Appeal Board stated that it was not bound by such a precedent and in any event was unable to compare cases in the manner in which the Appellant was hoping. This was disregarded.

- c. On considering the ground of appeal, namely 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 submissions including:
  - i. the Appellant's allocation to SCEL in 2024 had partly been as part of a cluster of three teams, of which they were the only remaining team in SCEL at Step 6.
  - ii. the SCEL was not "the most geographically appropriate location". The Appellant is located approximately four miles north of the Blackwall Tunnel and every away fixture in the SCEL would require the Appellant to cross the River Thames either by tunnel or via the Dartford crossing. This rendered travel difficult and often unreliable from a timing perspective and had occasionally disrupted matches.
  - iii. Additionally, the Appellant would suffer from the usual increased mileage of a club on the extremity of SCEL, although it acknowledged it would be on the extremity of ECL as well.
  - iv. the Appellant was the only club in Steps 4 and below which had to cross the River Thames for every away fixture, not just imposing an additional travel burden but also the payment of tolls in both directions, tantamount to a "tax" being placed on its membership of the SCEL.
  - v. The increased financial burden of travel costs, particularly tolls, was having an adverse impact upon the Appellant's other community-based football activity.

- vi. This unacceptable travel burden also affected every other SCEL club and match officials travelling to the Appellant, as they had experienced in season 2024-25. Laterally moving the Appellant would have an overall benefit to the National League System.
- d. In response the Respondent emphasised:
- i. that allocations were undertaken on a nationwide basis and allocations need to be viewed through the prism of the National League System not just that of the Appellant club.
  - ii. Moving the Appellant to the ECL would have a domino effect affecting another club or clubs.
  - iii. There was nothing in the Appellant's submissions to demonstrate that the Respondent's decision was so unreasonable that it should not have been made.
  - iv. There are 20 clubs in each of the two divisions of the ECL and 19 in the SCEL. With the optimum number of clubs per division being 20, this allocation was in line with the Respondent's nationwide policy.
  - v. The travel burden, and particularly the question of tolls to cross the Thames, was unfortunate but it was a "consequence of location".
  - vi. The Respondent was specifically asked what factors were taken into account when considering the Appellant's request for a lateral move to the ECL. The Respondent confirmed that it had taken the Appellant's application into consideration but the number of teams in neighbouring divisions had been an important factor. For example, with 19 teams in the SCEL and 20 in the ECL South Division there was still the same number of match days but to alter the divisions to 18 and 21 respectively would create an imbalance.
  - vii. When questioned further, Mr Edkins accepted that mileage was not a significant factor in this case and that travel times generally supported the Appellant's appeal. It was accepted

that league sizes varied across Step 6 and that the issue of clustering was not important in this case but generally supported the Appellant's argument. Mr Edkins accepted that crossing the River Thames (both ways) for every league fixture involving the Appellant was an issue affecting every club in the SCEL.

- e. 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.
- f. When asked during the hearing to elaborate on what factors had been taken into account when rejecting the Appellant's application for a lateral move, the only reasons given were that it would create a more uneven number of teams between the two relevant divisions and, more generally, that the allocation was a decision which the Respondent was entitled to take and thus could not be considered so wrong as to be a decision so unreasonable no other body could have made it.
- g. The Appeal Board bore in mind the recommended options (not "criteria") considered when allocating clubs to leagues. These include:
  - Mileage
  - Travel time
  - Specific travel considerations (the Dartford Crossing is one such example)
  - Clusters/derbies
  - Size of leagues, ideally 20 per league
  - The Appeal Board are aware that at Steps 5 and 6, the FA recognise that there needs to be a balance, so some flexibility

is given, however the FA position is there is a limit in which it is deemed acceptable for a minimum number to be a 'viable' League and a maximum where completing fixtures is problematic.

- h. The Appeal Board noted that the Respondent was plainly aware of the Appellant's desire to move laterally - as they had formally submitted a request to do so and had also appealed their allocation in 2024.
- i. The only quoted reason for refusing the request had been in relation to the size of the leagues. The Appeal Board was conscious that at Step 6 there exist divisions as large as 24 clubs and divisions as small as 18 (not counting the South West Peninsula Football League, which is a special case). More than ten Step 6 leagues were not at the "optimal" size. The argument that travel difficulties and expenses were a consequence of location was not convincing: it could equally be considered a consequence of allocation. The Appeal Board was of the opinion that the Appellant had been left in SCEL, notwithstanding the demonstrable difficulties it had placed upon the club, in an effort to achieve equality of numbers of teams to the exclusion of all other arguments and for no other clear reason. The Appeal Board considered this to be irrational and unreasonable.
- j. The rejection of the request for lateral movement and the allocation of the Appellant to SCEL for the forthcoming season had not been satisfactorily explained, especially in the light of an appropriate alternative, albeit with the consequence that there would be 21 teams in ECL South and 18 teams in the SCEL for the forthcoming season. The Appeal Board noted that the adjacent Southern Combination League also had 18 teams.
- k. The proposal put forward by the Appellant involved a simple swap and there was no evidence presented to suggest it would have a detrimental "domino effect".

11. In closing, the Appeal Board wished to make it clear that this was a very particular set of circumstances. The Appeal Board were highly cognisant of the test for appeals such as this. However, after examining the various factors and the respective weight placed upon them, the allocation made in this unique case could not be considered reasonable, rather it was so unreasonable no other such body could have come to it. The evidence was overwhelmingly contrary to the finding made.
12. As such, the Appeal Board refer the matter back to the Respondent to reconsider the Appellant's lateral movement application. Clearly, the Appeal Board are of the mind that that application should be granted and recommend that this is the outcome.
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 returned.
15. The Appeal Board's decision is final and binding.

**Paul Tompkins - Chair**  
**Glenn Moulton - Wing**  
**Keith Allen - Wing**

12 June 2025