

EPA Management Committee Proposals



Annual General Meeting 2016

The following proposals by the MC for constitutional changes arise from a continuing review of the Association's policies and procedures in accordance with The Sport and Recreation Alliance's Code of Good Governance ("The Code of Good Governance") which the EPA adopted in October 2011. Some of the proposals are made in order to align the Association's processes and procedures more closely with the principles of the Code of Good Governance and others are made to improve or update practices which have become outmoded. The text of proposed amendments appear in red. References to clause numbers are to clause numbers as they presently appear in the constitution. The adoption of some proposals will affect the overall numbering of clauses. The passing of such proposals will also act as authority for any consequent renumbering of clauses.

Proposal 1:-

To amend the definition and powers and duties of the MC.

Detail:-

- (a) Clause 4.3 – delete "*managing*" and replace with "*governing*"
- (b) Clause 5.4.1 – delete "*managed*" and replace with "*governed*"
- (c) Clause 8.1.1 – delete "*managing authority*" and replace with "*governing body*".
- (d) Add new clause 8.1.14 – "*To set the strategy and vision of the Association*".

Rationale:-

The aim of this proposal is to redefine the description and functions of the MC so that it more closely resembles the purposes ascribed to it in The Code of Good Governance. The third principle of the Good Governance Code states that "***The Board should set the strategy and vision of the organisation without becoming involved in the operational delivery***". Unfortunately the EPA is not in the happy position enjoyed by many Sport National Governing Bodies who are financially able to employ paid staff to administer their operations. Consequently all EPA operations have to be administered and managed by volunteers most of whom are members of the MC. However it is important that this involvement with operational matters does not cause MC members to overlook their legal fiduciary duties or to neglect their responsibility to set the strategy and vision of the organisation. This proposed constitutional amendment is designed to improve the EPA members' understanding of the role of the MC and to focus the attention of MC members on their overriding policy making duties.

Proposal 2

To replace the Annual Congress with an advisory assembly with wider terms of reference.

Detail:-

(a) Clause 5.4.5

Replace

“Annual Congress of County Regions

There shall be an Annual Congress of County Regions held within 8 months of the previous AGM, convened by the MC for the purpose of receiving progress reports from National Officers and to provide a forum to discuss and agree playing and communication matters for implementation by the MC”

With

“Assemblies

There shall be an Assembly held at least once a year, convened by the MC to provide a forum to discuss any matters relating to the Association’s affairs and if so resolved to make recommendations to the MC”

(b) Clause 5.4.5.1

Replace:-

“County Regions may be represented at the Annual Congress by 1 delegate for every 60 members or part thereof. The total of County Region Delegates will be assessed as the number of members registered with the Association’s Membership Secretary, at the date of calling the Congress. At Congress meetings all attending accredited Delegates shall be entitled to vote.”

With:-

“County Regions may be represented at each Assembly by 1 delegate for every 250 members or part thereof. The total of County Region Delegates will be assessed as the number of members registered with the Association’s Membership Secretary, at the date of calling the Assembly. The MC will also be empowered to invite up to 5 members of the Association to act as delegates. At Assembly meetings all attending accredited Delegates shall be entitled to vote. All members of the MC are entitled to attend and participate in Assembly meetings but shall not be entitled to vote.

(c) Clause 8.2.2 – delete ***“Congress of County Regions”*** and replace with ***“Assemblies”***

(d) Clause 8.4.1 – delete ***“Congress of County Regions”*** and replace with ***“Assemblies”***

(e) Clause 8.9.3 – delete ***“To receive Notice of the Association’s General Meetings and submit motions to the AGM”*** and replace with ***“To receive Notice***

of the Association's General Meetings and Assemblies and submit motions to the AGM or Assemblies"

(e) Clause 10.3.2 – replace ***"Receive Notice of General Meetings and submit motions to the AGM"*** with ***"Receive Notice of General Meetings and Assemblies and submit motions to the AGM and Assemblies"***

(f) Clause 10.4.4 - replace ***"Receive Notice of General Meetings and submit motions to the AGM"*** with ***"Receive Notice of General Meetings and Assemblies and submit motions to the AGM and Assemblies"***

(g) Clause 10.5.4 – replace ***"Receive Notice of General Meetings"*** with ***"Receive Notice of General Meetings and Assemblies"***

(h) Clause 10.5.5 – replace ***"Submit motions to the AGM"*** with ***"Submit motions to the AGM and Assemblies"***

(i) Clause 12.4 – replace ***"Annual Congress of County Regions"*** with ***"Assemblies"***

(j) Clause 12.4.1 Date and Place

Replace

"The Annual Congress of County Regions shall, subject to 5.4.5 of the Constitution, be held in the month of June or July at such place as the MC may from time to time determine"

With

"Assemblies shall, subject to 5.4.5 of the Constitution, be held on such dates and at such places as the MC may from time to time determine"

(k) Clause 12.4.2 Preliminary Notice

Replace

"At least 48 days before each Annual Congress of County Regions, the National Secretary shall publish the date, time and place of the meeting. Those entitled and wishing to put proposals to the meeting shall submit their motions to the National Secretary at least 28 days before said Annual Congress meeting"

With

"At least 48 days before each Assembly, The National Secretary shall publish the date, time and place of the meeting. Those entitled and wishing to submit agenda subjects or to put proposals to the meeting shall submit them to the National Secretary at last 28 days before the said Assembly meeting."

Rationale:-

One of the fundamental principles of the Code of Good Governance is that the Managing Committee should be open and accountable to its members and in particular that there should be adequate mechanisms in place for members to feed in their thoughts and be involved with the organisation's development. Over the last year the MC has been seeking the views of regional representatives as to how this can best be achieved. On the whole regional representatives believe that the most effective solution is for the MC to become culturally more responsive and receptive to the opinions of members but that there is scope for some limited structural change to help bring this about. In recent years the MC has tried to "engage" with members generally through two main forums, the Annual Congress and a National & Regional Officers' Meeting, ("The Officers' Meeting"), which takes place twice a year. Both forums have value but they both have drawbacks and it is proving impracticable to convene a Congress and 2 "Officers' Meetings" in the same year. The MC propose therefore to replace both forums with an Assembly which incorporates the best points of the existing forums.

"Officers' Meetings" have proved to be popular because they are sufficiently small and informal to encourage free flowing discussion and the participation of all attendees. There is no restriction on the matters which may be discussed but the meetings do not have any constitutional status, terms of reference, agreed composition or any specified advisory or other functions. Participation is usually restricted to Regional & National Presidents and Secretaries (35 maximum). The agenda is usually set by the MC and there is no recognised procedure whereby Regions Leagues or Clubs can raise concerns or table proposals for consideration.

Congress has a more formal procedure in which proposals are tabled by the MC, Regions, Clubs and Leagues for debate by the Regional Delegates and Elected National Officers. In addition the National Officers are required to submit reports to the meeting. The formal procedure of Congress confines its business to the consideration of specific proposals and therefore inhibits the free exchange of ideas and suggestions. The size of Congress (57 if there is a full complement of delegates) is also a barrier to full involvement of all participants. The scope of Congress is constitutionally confined to the discussion and agreement of Playing and Communication matters for implementation by the MC. There is however now an overlap between the roles of Congress and the Playing Commission with regard to playing matters and there is an unsatisfactory risk of them acting at cross purposes. One advantage of the delegate structure of Congress is that it allows members other than Regional Officers to become involved in national matters and it gives Regions, Leagues and Clubs the right to bring their concerns and proposals before a national forum.

The MC is keen to ensure that it conducts its business in an open and transparent manner and wishes to engage with and be guided by a national forum which encourages the free flow of ideas, suggestions and proposals regarding any topic of national or regional interest to the Association's members. The MC sees the new forum as having the following characteristics:-

- No limitation on the scope of matters to be discussed
- An informal format designed to encourage the free flow of ideas
- Each region should be free to appoint its own representative(s)
- The power to make recommendations to the MC
- Involvement of all MC members (not just Officers)
- A limited discretionary power of MC to appoint non regional delegates
- The right of Regions Leagues and Clubs to table recommendations
- Encourage wider involvement in the governance of the association
- Ensure the full diversity of the membership is reflected in the composition of the Assembly

Proposal 3

To update the disciplinary clauses within the constitution

Detail:-

(a) Clause 8.1.6

Replace

“establish as and when required disciplinary hearings to hear and determine appeals in accordance with article 11 of this constitution”

With

“make, vary and publish disciplinary procedures”

(b) Clause 8.8.1

Replace

“To resolve appeals in relation to Disciplinary Hearings and other issues that the MC or National President shall deem necessary”

With

“To resolve appeals in relation to any issues that the MC or National President shall deem necessary”

(c) Clause 8.9.9

Delete ***“in accordance with article 11 of this constitution”***

(d) Delete existing Clause 11 and replace with:-

“11. Discipline

The Association shall conduct disciplinary matters in accordance with the published Disciplinary Procedures. Once a disciplinary process has begun it will be conducted under the published Disciplinary Procedures at the time and not any subsequent variation.”

Rationale:-

At present the Association’s Disciplinary Procedure are found partly in Clause 11 of the Constitution and partly in supplementary procedures which the MC has agreed from time to time. The MC is of the view that these Disciplinary procedures should be amalgamated and codified in a new set of standalone procedures which can be revised from time to time without the need to propose constitutional amendments. This proposal will therefore revoke the existing Clause 11 of the constitution and enable the MC to implement a new set of Disciplinary Procedures. The MC has for some time been reviewing and updating the Associations’ Disciplinary Procedures, drawing extensively on best practice found in other Sport National Governing Bodies. This exercise has been completed and once this proposal is passed at the AGM will become effective. Some features of these new procedures will include:-

(a) Disciplinary Committees to be formed from a panel nominated by Regions

(b) Appeal Committees to be formed from Regional Presidents

(c) Grounds for appeal defined

(d) More detailed procedures for appeals

(e) A table of standard sanctions for common disciplinary offences

(f) A procedure whereby defendants can voluntarily accept a recommended sanction without a formal hearing.

Proposal 4

To enable alternative procedures to be formulated for balloting members.

Detail:-

(a) Clause 5.4.1

Delete "**postal**" before "**ballot**"

(b) Clause 7.2

Delete "**postal**" before "**ballot**"

(c) Clause 12.2

Insert "**all**" before "**members**", delete "**by post**" after "**members**". Insert additional sentence "**Any such ballot shall be conducted in such manner and by such means as the MC may from time to time determine**"

(d) Delete clauses 12.2.1; 12.2.2; 12.2.3; 12.2.4; 12.2.5; 12.2.6; 12.2.7; 12.2.8; 12.2.9; and 12.2.10.

Rationale:-

Currently the procedure of conducting a postal ballot or using the electoral reform society is a significant cost to the Association. It is questionable whether the benefit of having an election by these means is genuinely worth the expense. As a consequence it is not unknown for candidates for MC posts to withdraw their candidacies rather than be responsible for the Association having to use scarce financial resources which could be better applied elsewhere. However this is detrimental to the open and democratic process of encouraging members to stand for election. The purpose of this proposal is to enable the MC to explore less expensive methods of conducting a ballot of members. The role of the arbitrators in determining appeals relating to the voting process is preserved.

Proposal 5

Extending the term of Office of Arbitrators to 2 years

Detail:

Clause 5.4.3

Replace "**1 year**" with "**2 years**"

Rationale:-

For the sake of consistency it is proposed that the term of office for Arbitrators should be increased from 1 year to 2 years to conform to the periods of office of MC members.

Proposal 6

To correct the inconsistency in arrangements for requisitioning an EGM

Detail:-

(a) Clause 5.4.6

Delete “*or upon a requisition signed by not less than 50 individual members*”

Replace “*an officer*” with “*the secretary*”

(b) Delete Clause 10.3.4

(b) Clause 12.3.5

Delete “*or members*”

Rationale:-

There is a lacuna in existing clause 12.3.1 which does not provide for the convening of an EGM by individual members whereas clause 5.4.6 does. The MC considers that the best way to resolve this is to remove the right of individual members under clause 5.4.6 to requisition an EGM. An EGM should only be convened if it has a reasonable groundswell of support across the membership. A requisition signed by 20 clubs would be a good indication of that but a requisition signed by 50 members drawn possibly from only 1 or 2 clubs would not. Clause 10.3.4 is deleted because Regions do not have the power to requisition EGMs. Clause 5.4.6 refers to club requisitions needing to be signed by an officer whereas clause 12.3.5 requires them to be signed by the secretary. For the sake of consistence clause 5.4.6 is changed to read “secretary”

Proposal 7

To clarify the definition of independent members

Detail:-

Clause 5.1

Replace “*Individual members who may be members of clubs or independent*”

With “*Individual members may be members of Registered Clubs or Independent members of the Region in which they reside.*”

Rationale:-

There is no clear definition of what being an independent member means. The amended clause explains that members can either register as members of a club or if they do not want to do that they must register as an “independent” member of the region in which they reside. This means that if you live in say Sussex you cannot play for say Kent in the Inter Regionals unless you join a Kent club. You would not be able to register as an independent member of Kent.

Proposal 8

To introduce a procedure for the appointment of Auditors

Detail:-

(a) Insert new clause:-

“5.4.3 Auditors

The Association shall have an Auditor or Auditors nominated by the MC and approved by the members at the AGM”

(b) Existing Clause 5.4.3

Add **“*The normal term of office for an Auditor or Auditors shall be 2 years*”**

Rationale:-

Currently there is no procedure for selecting and nominating auditors. This new clause introduced a procedure whereby the MC will put forward a candidate for approval by the AGM.

Proposal 9

To clarify the financial components of the Membership Fees

Detail:-

Delete clauses 9.1.1, 9.1.2 and 9.1.3 and replace with:-

9.1.1 Membership Fees

Membership Fees (Adult and Junior) whether existing members of the Association or joining shall consist of the Association Fee and the Regional Precept.

9.1.2 Association Fees

Adult and Junior Association Fees shall be at a rate determined by an AGM

9.1.3 Regional Precepts

Adult and Junior Regional Precepts shall be at a rate determined by an AGM of each Region.

9.1.4 Affiliation Fees

The Association will pay an affiliation fee to the FIPJP, CEP and other national and international bodies.

Rationale:-

The existing clauses do not make clear that membership is made up of 2 financial components; Association Fees and Regional precepts.

Proposal 10

To make minor grammatical improvements and to make other corrections

Detail:-

- i.** Clause 5.4.1 – Replace “*affiliated league*” with “***Affiliated League***”
- ii.** Clause 5.4.1 – Delete “***All contested elections to be conducted by a postal ballot of all members***” (This is a duplication of Clause 12.12)
- iii.** Clause 5.4.1.2 – Replace Umpires’ with Umpiring in 2 places
- iv.** Clause 5.4.4 – Replace “***presenting***” with “***receiving***”
- v.** Clause 5.4.4 – Add “***the***” before “***election***”
- vi.** Clause 5.4.4 – Add “***the***” before “***determination of fees***”
- vii.** Clause 5.4.4 – Add “***to***” before “***consider motions***”
- viii.** Clause 5.4.4 – Add “***and***” after “***motions***”
- ix.** Clause 5.5.2 – Replace “***Umpires***” with “***Umpiring***”
- x.** Clause 5.5.2.2 – Replace “***Umpires***” with “***Umpiring***”
- xi.** Clause 5.5.3.1 – Replace “***Youth Development***” with “***youth development***”
- xii.** Clause 5.5.3.1 – Replace “***National Youth Development Officer***” with “***national youth development officer***”
- xiii.** Clause 8.3.1 – Replace “***assis***” with “***assist***”
- xiv.** Delete Clause 8.9.4 (County Regions do not have the right to participate on the requisition of EGMs)
- xv.** Clause 9.5 – Replace “***the***” with “***The***”
- xvi.** Clause 9.6 – Replace “***the***” with “***The***”
- xvii.** Clause 10.3.1 – Delete “***the By-Laws***” (The Association does not have any By-laws)
- xviii.** Clause 10.4.3 – Delete “***the By-Laws***” (The Association does not have any By-Laws)
- xix.** Delete Clause 10.4.5 (There are no competitions for Affiliated Leagues)
- xx.** Delete Clause 10.4.6 (There is no need to refer in the constitution to leagues being able to purchase sale goods and publications)
- xxi.** Delete Clause 10.5.7 (There is no need to refer in the constitution to clubs being able to purchase sale goods and publications)
- xxii.** Clause 12.1.4 – Delete “***and Bye-Laws***” (The Association has no Bye-Laws)
- xxiii.** Clause 12.2.11 - 2nd sentence – replace “***Arbitrators***” with “***National Secretary***” (The National Secretary is a more available contact for submitting appeals than the Arbitrators)
- xxiv.** Clause 12.3.4 – Delete “***by post***”
- xxv.** Clause 12.4.3 – Replace “***affiliated***” with “***Affiliated***”
- xxvi.** Clause 12.4.4 – Insert “***Registered***” before “Clubs” and replace “***Region’s***” with “***Regions***”