



## **MIDDLESEX NOTES ON RFU COUNCIL MEETING**

Teleconference – 27<sup>th</sup> November 2020 @ 10.00 am

The meeting was chaired by the President, Jeff Blackett

### **1. Introduction & Welcome**

Jeff Blackett - President

- 1.1 Jeff Blackett welcomed everyone to the meeting including three members of the National Youth Council as observers to the meeting.
- 1.2 The 2020/21 season is the RFU's 150<sup>th</sup> anniversary and it was planned to celebrate this around the Scotland game, but this may still be subject to Covid restrictions, so it has been decided to celebrate the event throughout 2021. Further details will be announced when it is clearer when proper celebrations can take place.

### **2. Decisions made using Email Protocol since last Council Meeting**

Angus Bujalski - Legal & Governance Director

Since the last meeting, Council approved by email the cancellation of the adult leagues at Level 3 & below (men) and at Level 2 & below (women).

### **3. Chief Executive's Report**

Bill Sweeney - CEO

#### **3.1 Introduction**

We continue to manage our way through one of the most challenging periods ever faced by the Union. Throughout this time, we have recognised the need to have a fully informed and aligned approach to the issues facing us and have significantly increased interactions between the Executive, Board and Council and the Game.

#### **3.2 Government/DCMS Interaction**

##### **a Rugby Support Fund**

- i. The Government has recently announced a Sport Support Fund which includes £135m for Rugby Union in England.
- ii. The funding, which was based on detailed submissions from the RFU and PRL, is broken down as follows:

Premier Rugby	£59m
RFU Programmes	£44m
Championship	£9m
Community	£23m

The RFU monies have been allocated mainly to support Community Game programmes
- iii. Whilst the monies for the Community Game will be in the form for grants the rest of the funding is likely to be a mixture of loans and grants.
- iv. The monies will be distributed by Sport England, but details of the process have not yet been announced. It is envisaged that the RFU and the CBs will have a significant role to play.





- v. Funding for the Women's Premier 15s is included in the RFU allocations.
  - vi. This funding is in addition to the recently announced £16m Sport England Club Support Fund.
- b ***Community Return to Play and Adapted Laws***
- i. During ongoing discussions with the DCMS & PHE, it has become apparent that the scrum and the maul were significant hurdles to the return of the Community Game.
  - ii. Work has therefore commenced on amending the Laws to remove the scrum and the maul. It is hope that this work will bear fruition in the next few days and an announcement made prior to the end of the current lockdown.
  - iii. Discussions are also taking place with DCMS & PHS on the use of changing rooms as we know that this is a major issue for several our clubs.
- c ***Return of Fans***
- i. Following the recent Government announcement, 2000 spectators will be allowed to attend the Nations Final Game at Twickenham on 6<sup>th</sup> December 2020. 400 of the tickets will be allocated to NHS staff locally to thank them for all that they have done during the pandemic. Details of how the other tickets will be distributed will be announced shortly.
  - ii. Whilst 2000 spectators will not be financially significant, it is a significant step in the return to normality at some stage in 2021. Hopefully, an increased number will be permitted to attend the 2021 Six Nations games.

### 3.3 Professional & International Rugby

- a ***2020 Six Nations***  
The 2020 Six Nations was successfully completed with the Men's XV winning the tournament, despite losing to France, and the Women's XV winning becoming Six Nations Grand Slam Champions.
- b ***Autumn Nations Cup***  
The Autumn Nations Cup culminates on the 5<sup>th</sup>/6<sup>th</sup> December 2020. England's final game is on Sunday 6<sup>th</sup> December 2020.
- c ***Red Roses***  
The Red Roses won their Autumn series against France (who are in England's RWC 2021 pool) by winning both games – the game at Twickenham being won with the last kick of the game.
- d ***Premiership***  
The 2020/21 Premiership season started on Friday 20<sup>th</sup> November 2020.
- e ***Premier 15s***  
The Premier 15s season is well underway. They are continuing to play the Law variations that were agreed at the beginning of the s season. To date only 2 games have been affected by Covid-19 outbreaks.
- f ***Quilter Cup Match***  
The England v Barbarians FC match was cancelled after members of the squad had left their hotel in central London despite clearly being informed of their obligations in relation to the Covid protocols. The players concerned have been charged under RFU Regulation 13.2. The hearing is currently taking place and the judgement is expected shortly.



### 3.4 **Project Union Update**

In 2019, the RFU undertook a detailed strategic review and consulted widely on the game's purpose, vision and mission (Project Union). This was substantially completed prior to Covid-19 but has subsequently been reviewed, along with key objectives and focus areas, to ensure the RFU remains on task and effective in delivering its core responsibilities.

### 3.5 **Project Light Update (CVC Investment in Six Nations)**

- a No agreement has been concluded with CVC, the process being delayed due to Covid-19, although a lot of progress has been achieved with principles being agreed. There are still several important legal and tax matters that need to be resolved
- b A presentation will be made to Council in December prior to the final decision on whether to proceed being made by the Board.

## 4. **Community Return to Play**

Steve Grainger - Rugby Development Director

### 4.1 The Return to Play work has concentrated on

- a Liaising with the DCMS & PHE to ensure that team sports could resume as early as possible.
- b Devising Law variations that permit the Community game to restart following lockdown.
- c Understanding the local restrictions on travel caused by the national tier system
- d Communicating with the gam

4.2 In addition work is ongoing with the Adult Competition Advisory Group to put in place local clusters that will permit clubs to play competitive rugby (albeit under adapted laws) in the new year.

## 5. **Community Game Board (CGB) Update**

David Roberts - Chair of CGB

As well as working on the Return to Play and Government Support proposals, the CGB has been involved in consultations around the work of the Future Competition Structure and been working closely with the staff on changes to the operational working practices, following the recent reorganisation, within the Rugby Development Department; particularly the interaction with CBs and clubs.

## 6. **Future Competition Structure (FCS) Working Group**

Stephen Pearson - Chair of FCS Working Group

6.1 Council discussed the FCS proposals at a pre-Council meeting on 11<sup>th</sup> November 2020, when the report and recommendations were fully discussed.

6.2 Stephen Pearson gave an update on the main proposals, following which Council agreed the following:

1. A target date for FCS implementation of season 2022/23.
2. From implementation of the FCS: the size of leagues at Levels 5 and below be capped at 12, the size of Leagues at Levels 3&4 be capped at 14, and the structured season will contain a protected two-week break over the Christmas period and protected weekend breaks (at points to be determined through the season).
3. That, subject to agreement on Resolution 2, optional National Knockout Cup(s) be introduced.



4. That a review of competition structures will take place every 3 years thereafter.

## 7. **Professional Game Board (PGB) Report**

Phil de Glanville - Senior RFU Representative on PGB

- 7.1 The PGB is meeting virtually every three weeks.

### 7.2 **Premiership 2019/20 Season**

- a The season was finally concluded with Exeter beating Wasps in the Premiership Final on 24<sup>th</sup> October 2020.
- b This was achieved by playing midweek games, which gave an opportunity to younger players to show their skills.
- c Overall, the squads were professionally managed and there is no evidence of a significant increase in injuries.

### 7.3 **Premiership 2020/21 Season**

- a The new season started on Friday 20<sup>th</sup> November 2020.
- b To date two rounds have been completed.

### 7.4 **Championship 2020/21**

- a The new season has not yet started, and no start date has been announced.
- b The Championship clubs are unable to afford the cost of testing that would be required to enable them to play to the full laws of the game under the elite return to play.
- c It is hoped that the season will be able to start early in 2021.

## 8. **Women's Rugby Update**

Conor O'Shea - Director of Professional Rugby

& Nicky Ponsford - Head of Women's Performance

### 8.1 **Premier 15s**

- a The Premier 15s continue to play to the adapted laws.
- b Five rounds have so far been successfully completed.
- c A review of the adapted laws is planned after round six as the initial approval for the amended laws was only for the first nine rounds.
- d Overall, the adapted laws have worked well and provided a recognisable game.
- e The players have acted responsibly during the pandemic, which has meant that only three games have had to be rearranged due to positive Covid tests.

### 8.2 **RWC 2021**

- a New Zealand and World Rugby are both committed to the 2021 RWC taking place as planned.
- b Whilst England has already qualified, the Covid pandemic has delayed the qualification games for some of the other teams in the Six Nations, which may affect England.
- c The inclusion of France in England's RWC group gave added interest to the recent games with France. These games also highlighted the areas of the game that England need to improve if they are to win in New Zealand.

## 9. **Governance Standing Committee Report**

Chris Cuthbertson - Chair of Governance Standing Committee

### 9.1 **Governance Update**

#### a ***Governance Terms of Reference***

These have been updated to include D&I objectives and term limits. They have been approved by the Board.



b ***Premiership Competition Regulations***

Under delegated authority from Council, Governance approved the 2020/21 Premiership Competition Regulations.

c ***Covid Clusters***

The Adult Competition Advisory Group has set up local clusters of clubs at Level 5 & below to facilitate the playing of rugby (in whatever form is permitted by the Government) during the second half of the season. Clubs have been asked to advise by 30<sup>th</sup> November whether they intend to opt in or opt out of their cluster – there is no obligation to take part nor any penalty for not doing so.

d ***Community Game – Law Amendments***

The Government has informed the RFU that it will not sanction the playing of any form of rugby below elite level that includes scrums and mauls.

Governance is working to produce amended Laws that meet these criteria.

These will be communicated to the game as soon as possible.

e ***Club Insolvencies***

Work continues on assisting Constituent Bodies to set up processes to monitor the financial health of their clubs. Work has also started on how future insolvencies will be managed by the RFU.

9.2 **Regulation 3 Membership Amendments – Covid-variations**

a Following the early termination of the 2019/20 season Council agreed to disapply the voting membership criteria contained in RFU Regulation 3 for the 2019/20 season in respect of

1. Girton College RFC.
2. Lincoln College RFC; and
3. St Hilda's College RFC.

On the grounds that these clubs could have met the playing criteria, but for the early termination of the season.

b Given the interruption in the current season due to Covid-19, Council also agreed to disapply the membership playing criteria contained in Regulation 3 for the 2020/21 season.

9.3 **RFU Regulations – Covid Variations/Disapplication Delegated Authority**

In order to enable the playing the game in whatever form is permitted by Government during the remainder of the 2020/21 season and to act quickly in response to changing circumstances, Council delegated authority to the Governance Standing Committee to

1. put in place new RFU Regulations; and/or
2. amend existing RFU Regulations; and/or
3. disapply existing RFU Regulations

9.4 **Regulation 20 Anti-Doping – Delegated Authority to Amend**

a The World Anti-Doping Agency (“WADA”) is introducing a new WADA Code from 1st January 2021, which will require changes to RFU Regulation 20.

b As the amendments have not yet been finalised, Council delegated authority to the Governance Standing Committee to make the necessary changes to Regulation 20.

c The new regulations will come into force on 1<sup>st</sup> January 2021.

9.5 **RFU Annual General Meeting 2021**

Council agreed that the 2021 RFU Annual General Meeting will be a virtual/physical hybrid and will be held at Twickenham.



10. **Council Nominations Committee Report**

Mike Waplington - Chair of Council Nominations Committee

10.1 **Sub-committees**

The Council Nominations Committee is reviewing the composition of RFU Sub-committees and considering the introduction of term limits for Council members serving on them. This work will be carried out in conjunction with the D&I Implementation Working Group.

10.2 **RFU National Youth Council**

Work is ongoing to involve the RFU National Youth Council in the work of the Union.

10.3 **Presidential Team**

a Due to the impact of Covid on the ability of the Presidential team to carry out the full range of their duties, Council agreed to recommend to the 2021 Annual General Meeting that the team be appointed for a second term.

b The recommendations for 2021/22 will therefore be:

President	<b>Jeff Blackett</b>
Senior Vice President	<b>Nigel Gillingham</b>
Junior Vice President	<b>Rob Briers</b>
Past President	<b>Peter Wheeler</b>

11. **Board Nominations Committee Report**

Dominic Proctor - Chair of Board Nominations Committee

11.1 Andy Cosslett's term as Chair of the Board expires at the end of the current season as does Helen Weir's term as one of the three INEDs on the Board.

11.2 Specialist recruitment firm, Perrett Laver has been appointed to lead the search for their replacements.

11.3 The aim is to have a long list by the end of December 2020, with a view to making the appointments by the end of March, which will give a reasonable handover period.

11.4 Council members will be included on the interview panels.

11.5 The presidential team has already been interviewed by Perrett Laver to get a better understanding of the Union.

12. **Diversity & Inclusion Implementation Working Group Implementation Plan**

Genevieve Glover - Chair of D&I Implementation Working Group

12.1 Genevieve Glover reminded Council of the ten recommendations that had previously been approved by Council and the implementation work that is currently being planned to implement them.

12.2 The RFU recently attended a cross sport D&I workshop that was hosted by Sport England.

13. **Chairman's Report**

Andy Cosslett - Chair of the RFU Board

13.1 **Meetings**

Whilst the Board's current focus is on the urgent issues thrown up by the current Covid pandemic, the routine work of the Board continues through its Committees.

13.2 **Board Finance Working Group**

The Board Finance WG continues its detailed work into the short and long-term problems and opportunities that the current crisis presents.



### 13.3 Annual Report & Accounts

- a Since the last Council meeting the 2019/20 Financial Statements have been signed and published.
- b The Financial Statements were unqualified, which is testament to the financial stability of the Union.

### 13.4 Board Size & Composition

Although the Board continues to be effective, discussions are continuing the optimum size in the light of the Sport England Governance Code and the recommendation within the recent Board Effectiveness Review. The Board will be looking to bring a proposal to Council early in the new year to address the issue.

### 13.5 Strategy Day

The Board's Annual Strategy Day will take place on 9<sup>th</sup> December 2020, when the Board will review the Project Union objectives and strategies to ensure that they remain relevant in the current economic conditions and a post Covid climate.

## 14. Board Finance Working Group (BFWG)

Helen Weir - Chair of BFWG & Simon Massie-Taylor – Commercial Director

14.1 The BFWG was set up to facilitate a more in-depth analysis of the financial issues facing the Union than is possible at Board meetings.

14.2 The group has met virtually on six occasions and is focussing on:

- a **Short term**  
Focus - liquidity to ensure that the union remains financially viable
- b **Medium term analysis**  
Focus - Revenue v Expenditure
- c **Long term**  
Focus - Determining optimum financial shape of the Union, which will enable the Union to continue to invest in and grow the Game, whilst maintaining (and eventually) replacing the stadium and planning for the repayment of the debenture debt.
- d **Project Light**  
Focus – Best use of funds if CVC investment proceeds.
- e **Debenture & Ticketing**
  - i. Debentures & ticketing are central to the Union's liquidity.
  - ii. The decision has been taken to extend existing debentures by a year to compensate for the playing of the games behind closed doors in the current season. This has been well received by the debenture holders.
  - iii. To assist the Union, consultation have taken place on a voluntary debenture debt waiver scheme. This would have tax benefits to both the Union and the debenture holder as well as improving the Union's underlying reserves.
  - iv. The next offering of new debentures is in 2021/22 and consideration is being given to how these could be structured.
  - v. Discussions have also taken place about a new debenture issue of 1000 additional tickets, but further work is needed to (1) identify the source of these tickets and (2) whether the issue is required.
- f **Ticket Pricing**
  - i. The current assumption is the approved 2020/21 season pricing will roll over to the 2021/22 season however the Board have requested a review of ticket pricing in light of the financial situation of the RFU



14.3 All this work is being carried out in a rapidly changing and challenging financial environment.

15. **Accelerating the Growth of the Women's & Girls Game**

Sue Day - Chief Financial Officer

15.1 Sue Day updated Council on the ongoing work to accelerate the growth in and accessibility to the Women & Girls game.

15.2 This will be presented to Council for approval in February 2021.

16. **Council Standing Orders**

Angus Bujalski - Legal & Governance Director

Council Standing Orders cover how Council meetings are to be organised and run.

Council approved the updated version, which included changes to permit virtual meetings, the earlier distribution of documents, the process for handling resolutions from Council members and clarifies the process for making decisions between Council meetings.

17. **RFU Council Code of Conduct**

Angus Bujalski - Legal & Governance Director & David Barnes – Head of Discipline

Governance approved the updated Code of Conduct, which lays down the behaviour expected from Council members & other volunteers and the processes to be followed (and sanctions) if the expected standard of behaviour is not met.

18. **Finance Report – Quarter 1**

Sue Day - Chief Financial Officer

18.1 Sue Day presented the Q1 financial results.

18.2 The budget used assumed crowds of 20k for the Autumn Internationals. Despite this, the 2020/21 outturn forecast shows a smaller loss than budgeted.

19. **Any Other Business**

There was no other business

Meeting closed at 3.00 pm

The next scheduled Council meeting is on 5<sup>th</sup> February 2021.

**Chris Cuthbertson & Rob Udwin**

8th December 2020

These notes are our personal recollections of the meeting and include those matters which are felt will be of interest to Middlesex Clubs. No attempt has been made to convey all the opinions expressed during the debates.