



# DEVON BRIDGE ASSOCIATION

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## Appendices of the Committee Meeting of the DBA held on Tuesday 13 July 2010 at the Isca Centre.

### Appendix A

#### *notes on a meeting of members at the Isca Centre at 11 a.m. on Sun 20 Jun 2010 now deemed to be an inquorate AGM*

**Present** David Hugo (Vice-Chairman), John Lankshear (Hon Treasurer), Terence Treeby (Hon Secretary) and about 41 members.

**1. Apologies** Amos Bridgman (retiring Chairman), Warner and Louise Solomon, Alan and Jette Bailey, Pam and Geoff Ward, Pat and Tim Walton, Linda Starling.

**2. Minutes** The minutes of the 2009 AGM were taken as read and signed as correct. **This action was inquorate and is thus invalid.**

**3. Matters arising** The Vice-Chairman reported on 3 matters : **This will need to be repeated at a re-convened AGM.**

#6. Prior to 1 April 2010 Devon had 565+ members and about 30 affiliated clubs; since 1 April 2010 Devon has over 1200 members and 20 affiliated clubs [EBU June]. This is in line with the figures used by the committee in its projections.

As a result of this the Committee was asked to review the clauses in the Constitution regarding a quorum at a General Meeting. **See Appendix B.**

#13. From 2011-2012 the EBU proposes to amend its Garden Cities Rule to something very similar to our own 10-play rule. They propose a similar rule for their NICKO competition.

#15. Following the last AGM it proved impossible to form a selection committee for the 2009 Tollemache and the selection was made by the main County Committee. After the March 2010 committee meeting, the following agreed to serve on the selection committee for the 2010 Tollemache : Warner Solomon, Ruth Edmondson, David Hugo, and Terence Treeby.

**4. Chairman's report** **This stands as a matter of record.** The Vice-Chairman thanked Amos Bridgman for his work as Chairman; amongst other things he had visited many clubs during the run-up to Pay to Play and had been responsible for the change of format of the Congress to green point throughout and its forthcoming return to The Palace Hotel. The new format had on the whole been successful. He congratulated Alan and Jette Bailey for their pairs win at the Congress, Jim Grant and Stefan Lindfors for their win in the Corwen Trophy. The Western League results were mixed – mid-table finishes for A and B teams. He thanked the retiring Hon Treasurer, the Hon Secretary, the Tournament Administrator and the webmaster for their work.

**5. Presentation of prizes** **This stands as a matter of record.** The Chairman presented the trophies to the following competition winners (other trophies having been presented at the events) :  
Western Morning News for Devon Teams : A. Bailey, J. Bailey, J. Grant, S. Lindfors.  
The Devon Teams Plate : W. And L. Solomon, P. Bowles and M. Orriell  
The Kevin and Ann Slee Trophy (Victor Ludorum) : A. Slee.  
Swiss Teams trophy was presented at the end of the event to : A. Slee, A. Pollok, R. Edmondson, B. McElroy.

**6. Treasurer's report** **This will need to be repeated at a re-convened AGM.** The accounts were circulated and questions answered. The Pay to Play element of 3p for the county is estimated to produce approximately the

same income as the previous membership scheme. The Treasurer reported that during his 4-year tenure he had shifted the emphasis on spending so that as many members as possible benefited, in particular the Robson tour, one-third discount on duplimates and bridgemates to clubs and subsidised Directors' courses. The accounts were accepted (proposed R.Mardlin, seconded T.Hammett). **This action was inquorate and is thus invalid.**

**7. Elections etc** David Hugo is the only nominee as vice-Chairman; Terence Treeby the only nominee as Hon. Secretary. Both proposed by Tim Walton, seconded by Pat Walton. Both were accepted by the meeting. **This action was inquorate and is thus invalid.**

**This stands as a matter of record.** There were no nominations for Chairman or Hon. Treasurer. The Vice-Chairman appealed for late nominations or volunteers to be dealt with at the July committee meeting in accordance with the DBA Constitution : 7(g) The Committee may co-opt other members, as deemed appropriate from time to time, and shall have the power to fill any vacancies that arise from time to time to assist in the execution of its activities.

The committee was asked to seek clarification as to whether clause 7(g), especially the last part, referred only to members or did indeed give powers to the Committee to appoint officers if the AGM failed to do so. **See Appendix B.**

**8.** The committee proposed that for the year from April 2011 the DBA P2P component will remain at 3p; the club subscription will still be nil. The motion was accepted. **This action was inquorate and is thus invalid.**

**9. Any other business** none

See also accounts.

The meeting closed at 11.40 am.

## **Appendix B**

### **Important notice from the DBA committee to all DBA members**

25 June 2010

#### **Notice**

Following the meeting at Exeter on 20 June 2010 advice was sought from the EBU about Constitutional matters. The conclusions following this advice are as follows :

1. As there was no quorum according to DBA 10(b) the meeting held was not a valid AGM.
2. Under various parts of DBA 7 the Committee can continue to operate.
3. Under DBA7(g) the Committee has the power to co-opt Officers to fill any vacancies, their term of office to end at the next AGM.

The following actions are therefore necessary to remedy the situation :

1. At the next Committee meeting, the members of the Committee need to appoint or confirm all four Officers, including the vice-Chairman and Hon Secretary whose re-election may be deemed not to have happened.

2. At the next Committee meeting, the Committee needs to make arrangements to re-convene with due notice the 2010 AGM at the earliest possible opportunity at which a quorum (over about 65 members) can be expected to attend. This will be for the purpose of the business specified in DBA 10(b).
3. At the re-convened AGM, the Committee may need to propose revisions to DBA 10(b) and DBA 10(g) in order to set a level of quorum that can be realistically expected at a General Meeting. They should also consider adding a clause specifying action subsequent to any inquorate General Meeting.
4. At the re-convened AGM, the Committee will need to propose revisions to the Schedule referred to in DBA 14 to bring it in line with current regulations.

Note : DBA 10(b) etc refer to clauses in the DBA Constitution (see website for copies).

### Appendix C

The DBA Constitution shall be amended as follows (changes are highlighted):

Section 2: This document shall take effect following the 2010 AGM of 1 Oct 2010 subject to the approval of the Board of Directors of the EBU and shall supersede the Constitution and Rules promulgated in the name of the Devon County Contract Bridge Association.

Section 3: (change of wording only) bridge and contract bridge to be replaced by duplicate bridge throughout.

Section 4: 4.3 A Player Member of the EBU whose primary allegiance is with another not with this Association can become a member of the Association by meeting its terms and conditions in force at the time of the request for membership. [change from "with another" to "not with this"]

Section 4: Subscription fee to be changed to subscription throughout.

Section 5: Affiliated clubs shall pay a subscription to the Association. [delete remainder of original] and the levy imposed by the EBU on all members and clubs.

Section 5: Delete (meaningless) Only members of affiliated clubs are eligible to play in County competitions.

Section 10(a): change committee quorum to 5 members from chairman and 5 members.

Section 13: (change of wording only) bridge and contract bridge to be replaced by duplicate bridge throughout.

**Appendix D: SCHEDULE** referred to in Section 14: to be replaced with the current EBU Schedule to comply with current legislation.

New 1. This Schedule is referred to under Section 14 of the Constitution and prescribes the powers and procedures for enforcement. It will comply with and follow the EBU disciplinary procedures and any variations thereof that are made from time to time. The Association shall act through its Conduct and Disciplinary Committees for the enforcement of standards prescribed in section 14 of the Constitution. The Association shall have additional powers as set out in the clauses below.

#### New 2. Receipt of allegation

Any person making a complaint against one or more members of the Association under the terms of section 14 of the Constitution must do so in writing to the Secretary or the Chairman of the Association.

New 3. Conduct Committee. The Executive Committee of the Association shall appoint its Conduct Committee through its powers to appoint sub committees under Section 7(f) of the Constitution. The Conduct Committee shall be responsible for investigating complaints against the Association's members and to determine whether a disciplinary offence should be referred to the Association's Disciplinary Committee. The Conduct Committee shall consist of no fewer than three members of the Association and no more than five. A quorum for any meeting shall be three of its members. It shall act by simple majority vote and its appointed chairman, or whomsoever in his absence the Conduct Committee shall select to chair its meeting, shall have a second, or casting vote in the event that there is parity of voting.

#### New 4. Disciplinary Committee.

The Executive Committee of the Association shall appoint the Disciplinary Committee through its powers to appoint sub committees under Section 7(f) of the Constitution. The Disciplinary Committee shall, determine sanctions for offences admitted by the defendant, hear charges of offences and determine whether those charges are proved and if proved, to determine the sanction imposed. The Disciplinary Committee shall consist of no fewer than three members of the Association and no more than five. At least three of its members must be present

when it makes a decision to uphold a complaint and impose sanctions on the offending member. It shall act by simple majority vote and its appointed chairman, or whomsoever in his absence the Disciplinary Committee shall select to chair its meeting, shall have a second, or casting vote in the event that there is parity of voting.

#### New5. Conflicts of Interest and Independence of the Conduct and Disciplinary Committees

Any member of either the Conduct or Disciplinary Committee who is in any way personally involved in the allegations within a complaint will be disqualified from participating in either Committee's handling of the complaint. A member of the Association cannot be a member of both the Conduct and Disciplinary Committees.

#### New6. The Complaints Process

##### 6.1. Notice of Meetings.

Where a written complaint is made, or a matter otherwise comes to the attention of the Conduct Committee, it shall first consider whether such complaint or matter falls within the scope of the Disciplinary Rules and whether further action is warranted. If it does the Conduct Committee secretary shall first write to the Defendant, seeking the Defendant's comments on the substance of the complaint or matter that has been raised. The Conduct Committee shall also be entitled to make such further investigations and enquiries as it in its absolute discretion considers appropriate. The Conduct Committee shall also be entitled to seek advice both from within the Association and from the EBU Laws and Ethics Committee, and to obtain external legal advice.

6.2. Complaint not justified. If the Conduct Committee decides that the complaint is not justified, all parties shall be notified and the matter ended.

6.3. Complaint justified If the Conduct Committee decides that the complaint is justified, it may, in its absolute discretion, offer a verbal caution to the offending member, which if accepted, ends the matter. If the caution is not accepted by the offending member, or the Conduct Committee does not feel a caution is appropriate, it shall refer the case to a hearing by the Disciplinary Committee. The Defendant shall be notified, in writing, within two weeks of this decision and of his right to make a written submission to the Disciplinary Committee and to attend the hearing. The Defendant shall have the right to be represented by legal counsel of his choice or may be accompanied by a person to speak on his behalf. The Disciplinary Committee shall give at least two weeks' notice of the hearing to the Defendant.

6.4. Disciplinary Committee's Sanctions. If after the hearing the complaint is upheld, the Disciplinary Committee may in its absolute discretion:

- (a) Give a written reprimand to the offending member(s), or
- (b) Suspend the offending member(s) from all or some of the competitions sponsored or licensed by the Association for such period as it shall determine. If the complaint is against a member of the Executive Committee then in addition to any other sanctions applied, the Disciplinary Committee shall have the power to suspend such member from the Association's Executive Committee and any of its sub committees for such a period that it shall determine. Any sanctions imposed by the Disciplinary Committee must be communicated to the offending member(s) in writing within twenty one days of the hearing. Any Sanction imposed by the Disciplinary Committee shall take effect as soon as time for appeal has elapsed except that if the Defendant has filed Notice of Appeal within the time allowed the Sanction shall not take effect until such Appeal has been determined.

6.5. Appeal. Every Defendant found guilty of an offence by the Disciplinary Committee has the right to appeal to the EBU Laws and Ethics Committee. Appeals must be in writing and lodged with the Secretary of the EBU Laws and Ethics Committee within twenty one days of the written communication of the Disciplinary Committee's decision to the Defendant.

6.6. Referral to the EBU Laws & Ethics Committee. At any time the Disciplinary Committee may refer a complaint to the EBU Laws & Ethics Committee for its consideration. In doing so the Disciplinary Committee shall have fully discharged its responsibilities under this Schedule.

## **Appendix E**

Section 10(b): Change Annual General Meeting quorum from 5% of members to 40 members.

Section 10(c): Change Extraordinary General Meeting quorum from 5% of members to 40 members.