

**L&DCC SPECIAL GENERAL MEETING OF ALL FULL MEMBER CLUBS**

**CALLED ON BEHALF OF BIRKENHEAD PARK CRICKET CLUB**

**25TH OCTOBER 2022 AT FIRWOOD-BOOTLE CC 7.00PM**

1. .**Initial Welcome**:

The L&DCC Secretary Chris Weston (CW) welcomed club representatives to their meeting at exactly 7:00 pm. This unique Special General Meeting (SGM) had been called on behalf of Birkenhead Park CC after due L&DCC process at the end of season 2022.

Present were members of the L&DCC Management Committee: John Williams (JW), Rob Durand (RD), Peter Fleetwood (PF), Eddie Shiff (ES).

CW called the Roll of L&DCC full member clubs

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **FULL MEMBER CLUB:** | Present  / absent | **ASSOCIATE MEMBER CLUB:** | Present  / absent |
| **1** | **AINSDALE** |  | ***BIRCHFIELD PARK 3rd XIs*** | N/A |
| **2** | **ALDER** |  | ***BURSCOUGH JLs*** | N/A |
| **3** | **BIRKENHEAD PARK** |  | **GOODLASS 3rd XIs** | N/A |
| **4** | **BOOTLE** |  | **LIVERPOOL SUPERKINGS 3rd XIs** | N/A |
| **5** | **CALDY** |  | ***MAWDESLEY JLs*** | N/A |
| **6** | **COLWYN BAY** |  | **MERSEYSIDE COMMONWEALTH 3rd XIs** | N/A |
| **7** | **FLEETWOOD HESKETH** |  | **MERSEYSIDE SPORTS AND CULTURAL 3rd XIs** | N/A |
| **8** | **FORMBY** |  | **OXTON 3rd XIs** | N/A |
| **9** | **HIGHFIELD** |  | ***SKELMERSDALE JLs*** | N/A |
| **10** | **HIGHTOWN ST MARYS** |  | **SOUTH LIVERPOOL 3rd XIs** | N/A |
| **11** | **LEIGH** |  | ***TARLETON W&Gs*** | N/A |
| **12** | **LIVERPOOL** |  | ***UPTON W&Gs*** | N/A |
| **13** | **LYTHAM** |  | **WHITEFIELD 3rd XIs** | N/A |
| **14** | **MAGHULL** |  | ***WIDNES JLs*** | N/A |
| **15** | **NEW BRIGHTON** |  |  |  |
| **16** | **NEWTON le WILLOWS** |  |  |  |
| **17** | **NORLEY HALL** |  |  |  |
| **18** | **NORTHERN** |  |  |  |
| **19** | **NORTHOP HALL** |  |  |  |
| **20** | **OLD XAVERIANS** |  |  |  |
| **21** | **ORMSKIRK** |  |  |  |
| **22** | **ORRELL RED TRIANGLE** |  |  |  |
| **23** | **PARKFIELD LISCARD** |  |  |  |
| **24** | **PRESTATYN** |  |  |  |
| **25** | **RAINFORD** |  |  |  |
| **26** | **RAINHILL** |  |  |  |
| **27** | **ST. HELENS TOWN** |  |  |  |
| **28** | **SEFTON PARK** |  |  |  |
| **29** | **SOUTHPORT AND BIRKDALE** |  |  |  |
| **30** | **SOUTHPORT TRINITY** |  |  |  |
| **31** | **SPRING VIEW** |  |  |  |
| **32** | **SUTTON** |  |  |  |
| **33** | **WALLASEY** |  |  |  |
| **34** | **WAVERTREE** |  |  |  |
| **35** | **WIGAN** |  |  |  |

All full member clubs were finally present, Wigan CC having been a little delayed.

1. **Introduction:**

CW ran through the key introductory points.

He asked that mobile ‘phones be switched to silent.

CW’s role in this meeting was to ensure that procedural matters as set out under the agenda were followed correctly.

JW’s role was to present the case against the proposal on behalf of Management Committee and to take questions.

Clubs had copies of the Agenda in front of them together with the Management Committee statement in regard of their position in opposing this proposal. Both of these documents had already been circulated electronically before this meeting.

This meeting was for Full Member clubs only who were seated here arranged alphabetically from the front of the room.

Associate Member clubs and other Observers were seated at the back of the meeting and could not be full participants in this meeting. Full member clubs could all have two fully participant representatives each at their tables

Management Committee had appointed two Tellers for the voting process or processes being Peter Fleetwood and Rob Durand who were members of M/C and familiar with our processes. They each had no direct connections to the clubs involved in the proposal to this meeting.

No permissions for social media live broadcasts or recordings were given in this meeting under the terms of the General Data Protection Regulations (GDPR).

This meeting was properly convened and was operating both under and through the following L&DCC Regulations, CW gave precise details.

**Constitution**

***8.1*** *Calling:*

A total of 12 clubs had written to CW formally supporting both the principle of and the proposal by Birkenhead Park CC for an SGM being convened. Birkenhead Park CC’s proposal was:

***"BIRKENHEAD PARK CRICKET CLUB’S 1st XI 80-POINT PENALTY SHOULD BE REDUCED BY 50% TO 40 POINTS."***

CW read this out verbatim.

***8.2*** *Notice:*

A minimum of 21 days’ notice had been given, this SGM was properly convened.

***7.4*** *Quorum:*

The constitution stipulated that the quorum at an SGM was 24, following our Roll Call this meeting was therefore quorate, the proposal could be put and voted upon.

***7.6.1*** *Voting:*

Voting at SGMs or AGMs was usually by show of hands holding voting cards or, if full Member Clubs preferred, by a secret ballot.

CW notified the meeting that Management Committee had had a number of requests for just such a secret ballot to take place under Agenda Item 6 of this meeting.

Following previous conversations, CW asked Wallasey CC if they wished to put such a proposal to the meeting, a “seconder” full member club for the proposal would also be needed. Wallasey CC spoke briefly outlining their reasons for holding a secret ballot,

Caldy CC seconded the proposal.

CW noted that ⅔ of the clubs voting would be needed for this secret ballot proposal to succeed for use under Agenda Item 6.

A formal vote by show of raised voting cards was now needed. CW asked PF and RD to carry out counts.

**34 clubs voted in favour of a secret ballot; 0 clubs voted against. 0 clubs abstained.**

The proposal for a secret ballot to be employed was therefore **carried unanimously**.

***7.6.4*** *Majority required:*

The proposal from Birkenhead Park CC to this meeting did not seek to vary the Constitution, therefore again a ⅔ majority of those actually voting would be needed for the Birkenhead Park CC proposal to succeed. Abstentions did not count as part of the arithmetic as set out under 7.6.4. CW had provided representatives with 8 worked examples of the sort of calculations that could be needed when the voting took place under Agenda Item 6.

***15.*** *Powers of the Management Committee.*

High level legal advice earlier this year had indicated that mitigation of a regulation was appropriate, this was not covered directly under other regulations and Management Committee was operating here under this regulation and also that of 12. below.

**Playing Regulations**

***6.2*** *Ineligible players:*

This regulation set out the consequences of using ineligible players

***6.2.2*** *Penalties applied:*

This regulation set out the details of penalties.

***12.*** *Powers of the Management Committee:*

See 15. above.

**Player Registration**

***7.1.3*** *Level at which the player will play:*

This regulation set out in detail the team-level at which Overseas Players (ECB Category 3s) would be Registered when playing in L&DCC

1. **Initial Statement from Birkenhead Park CC in support of the proposal**

CW introduced Birkenhead Park CC and asked their representative to make this initial statement. There would be no questions to Birkenhead Park during or immediately following their statement at this point.

“*Good evening everybody my name is Dave Lee, I'm VP at BPCC. I want to start by saying thank you to you all for being here tonight - I know this wasn't a scheduled meeting but this was the only avenue open to us to have this issue addressed and, of course, we're only here because of the interest and support shown by so many other clubs. This issue is not just about BPCC - this could happen to any of you.*

*All that I ask is that you listen with an open mind, and judge for yourself whether you think the punishment of relegation, from the position of 5th in the league, fits the actual crime.*

*The first thing to say is that BPCC accept that we unknowingly*

*breached the regulations - basically, we mistakenly used Bailey Jones as we would any other 2XI player. We didn't realise our mistake at the time, and it appears that nobody else did either as it went unpunished for 15 weeks. The M/C have been clear that they think this was an honest mistake and not deceitful in anyway.*

*We made that mistake on Sat 28 May, but were not sanctioned until Tue 13 Sep, 4 day' before the end of the season. We should have been sanctioned much earlier, we really should have been sanctioned 011 or shortly after Sat 28 May. The correct sanction would have been for us to forfeit the match.*

*Leigh would have got 25 instead of 24 points, we would've incurred a small fine, lost the 5pts we'd earned in the match, and then a further 10 penalty points. So actually, just 15 points...*

*That is how the league is meant to work.*

*But I'm sorry to say, that this league has not been working properly at times - and as we know, this case is not an isolated example.*

*Now before I go on to be critical of M/C (and I will be, sorry), I will say that none of this is personal and, regardless of the outcome tonight, I am going to write to you later in the week with an offer to personally serve on the M/C in 2023 and help with what has clearly become an overwhelming workload.*

*That said, unfortunately for everyone, the M/C's failure do their job properly has led to a chaotic situation in the league, where some clubs feel the need to police the league themselves and, sadly, in some cases, look to weaponise information when it*

*can be to their advantage. Be clear, everybody, this will happen to someone else unless we take action.*

*So, in that 15-week period, M/C allowed us to unknowingly repeat the same mistake over and over again, and in the process to unknowingly accumulate an ever-increasing penalty. We should have been docked 461 points.*

*But they decided to apply Mitigation and used an arbitrary formula on the hoof, a formula originally created to deal with another chaotic situation earlier in the season, the circumstances of which were fundamentally different to ours. The Mitigation is supposed to make their sanction look measured and reasonable when, in reality, it's more about not being able to backtrack and apply their own published punishment rules without creating even more chaos.*

*So, the level of the sanction comes down to the level of Mitigation.*

*In their statement, M/C have only mentioned 2 things they have factored into their mitigation:*

*That Birkenhead Park did not act here deliberately and deceitfully and*

*The lateness of this issue being brought to our attention.*

*We were never asked to provide any mitigating factors or consulted in any way whatsoever - we just had the sanction handed down to us, effectively relegating us with 1 match to play and without any say in the matter. 80 points or 461 points, the result was exactly the same.*

*The reason we believe that the sanction should be reduced by 50% is because we believe the level of mitigation should have been much higher. From their own documentation, M/C have only taken into account 2 factors, when any number of other factors should have been mitigated for as well. Let me outline a few other factors for you ...*

*Factor 1*

*Bailey Jones is an amateur cricketer, an average 2nd XI player. M/C accepted that Bailey Jones was not a 1XI standard player when they registered him. He's not a "2nd XI Pro". He never received anything from our club that he didn't pay for out of his own pocket. No flights, no travel expenses, no free kit, no job provided, he paid his £120 membership and his £10 match fees every week like everyone else.*

*Factor 2*

*Because he is an average 2XI player, Bailey's inclusion in our 1XI gave us no unfair advantage and was of no consequence*

*to the match results. The basis for the 80-point sanction is the 4 wins he played in. In those 4 wins, Bailey scored 4 runs and took 4 wickets.*

*1st win DNB, 5-0-0-40*

*2nd win DNB, 4-0-2-26*

*3rd win DNB 8-2-1-33*

*4th win 4runs, 10.1-0-1-57*

*In his 8 1XI league matches, he scored a total of 10 runs at an average of 2.50 and took 6 wickets at an average of 45.67*

*In the 2XI he played 11 league matches, scoring 46 runs at*

*11.50 and taking 17 wickets at 19.4. We will circulate these figures for your own viewing.*

*Factor 3*

*The sanction of 80 points effectively relegated us without a fair chance to play ourselves to safety. To say otherwise is, frankly, quite disingenuous.*

*Factor 4*

*Total failure by M/C to acknowledge any responsibility for allowing this sort of situation to repeatedly occur during the season.*

*Factor 5*

*Failure to acknowledge that the lateness of the sanction meant that applying the same formula as per NLW was totally wrong.*

*Factor 6*

*That the M/C failed to monitor team selections across the league throughout the season and failed to sanction us for our mistake in a timely manner in the first place. Let me explain why this is such an important factor. Here is an email we got about Bailey Jones from John Williams, dated 18 April .*

*EMAIL ATTACHMENT*

*So, Bailey Jones was subject to Specific Monitoring as an individual by M/C up to and including the time when we unknowingly breached the regulations and played him in the 1XI. I really can't think of any excuse the M/C could have for not having picked up our breach of regs on Sat 28 May. Can you?*

*So we argue that if M/C had included these and other factors (and there are others, but we only have 10 minutes) then the level of mitigation should have been higher, and accordingly, the sanction should have been lower. And, if they had done their job of specifically monitoring in the first place, then the sanction would actually have been as low as 15 points.*

*Now I don't have time to address all of the inaccuracies in the M/C's published statement, but I will just state that their speculation, as to why our Overseas Professional, Safi Abdullah, returned to Pakistan twice is inaccurate, misleading, irrelevant and should be disregarded. You can check him out on Cricinfo - Until the Pakistani domestic season started 3 weeks ago, Safi had not played in any matches for anyone other than BPCC since December 2021.*

*This is a red herring designed to deflect from the real issue here - the chaos of a league that, sadly, feels like it has to police itself.*

*We'll be happy to take questions later. In the time remaining, we'll circulate these statistics.*

*Thanks for your time*.”

CW thanked DL and moved the meeting on.

1. **Response Statement from Management Committee to oppose the proposal**

CW introduced John Williams (JW) who would speak on behalf of Management Committee to oppose the proposal, again there would be no questions to Management Committee during or immediately following this statement.

“*JW began by saying that he did not quite know how to respond to some of the statements from Birkenhead Park and was stunned by some of the remarks in respect of Safi Abdullah allegedly not having played cricket during the time that he returned to Pakistan on either of the two occasions. There were publicly available records available on Cricinfo of what he had done. Management Committee had felt that the issue of his possible eligibility should not be part of the direct actions being taken against Birkenhead Park CC as part of its mitigation in respect of Bailey Jones.*

*On Saturday 28 May 2022 Birkenhead Park set in motion a chain of events that has led us all to where we are today.*

*BAILEY JONES*

*Bailey Jones, the Birkenhead Park CC registered 2nd X1 overseas player, on 28th May played for the Birkenhead Park 1st XI. He did so because their Registered 1St X1 Player Ahmed Safi Abdullah was not available to play. (More of which later).*

*Birkenhead Park did not seek Management Committee approval for this which was in breach of* ***7.1.3*** *and Bailey Jones was therefore an ineligible player under* ***6.2****. This occurred again on 7 occasions, 4/11 June, and 6/13/20/27 August and 3 September.*

*This would not have been approved by Management Committee as the club already had a 1st X1 overseas player. The example of Formby was given in detail (this was the full permission of Formby CC) and was the way Bailey Jones should have been dealt with.*

*In these games, Bailey Jones bowled 54.3 overs (nearly 7 each game) and took 6 wickets for 274 runs. Birkenhead Park won 2 games against New Brighton and 1 each against Ormskirk and Orrell. He also played 10 matches in 5 different Cups, including on 11 Sept the Cheshire Cup Final .*

*JW challenged the ability of Bailey Jones as presented by Birkenhead Park CC, the records on play cricket showed he was a much better player than they were saying. He was a bowler not a batter. He bowled in every game he played in opening the bowling in half of the eight games. This showed the way the club rated his abilities. He took 6 wickets for 274 runs bowling 6.4 per game on average. He would not have been used like this if the club did not feel that he could do a job for them, he was not “an average 2nd XI player”. He had also played in the Echo, Digman, Chester, Chrysalis and Cheshire Cups.*

*AWARENESS*

*Information emerged in the second-last week of the playing season on 6 September 2022.*

*New Brighton Club requested permission to return their 2nd X1 Overseas Player Luke Terry to the 2nd X1 from the 1st X1 again for Saturday 10 September (previous permissions granted were set out in Management Committee’s main written statement); this was granted. During these e-mail exchanges references were made to Birkenhead Park’s Bailey Jones, New Brighton CC thought he must have had permissions to do the same.*

*This second last week of the season was an exceptionally busy period for the Management Committee and the Fixture/Registration Secretary in particular - including organising and finalising three Cup Finals for Sunday 12th. There had been lots of issues with Category 3 overseas players in 2022 (there were 54 of them in total) plus the 210 days Category 1 players and it was not until the end of the week that the full implications of Bailey Jones’ movements were established.*

*Sat 11th – JW as Chairman was notified by RD in the morning*

*Sun 12th – Discussion took place between RD and JW*

*Mon 13th – Management Committee had a meeting on that Monday am and set up a Sub-Committee to deal with this matter. That sub-Committee met by Zoom at 6.00pm. and decisions were taken.*

*Tues 14th – Four Birkenhead Park officials were notified am by telephone followed by a confirmatory letter from CW.*

*SANCTIONS*

*A full set of sanctions under 6.2 = minus 461 points*

*An 8-game sanction = 101 points deduction*

*A 4-win game sanction = 80 points - for which there was precedent.*

*Mitigation was applied citing Visa issues re Overseas Players plus the season’s then timescale.*

*JW listed several other cases in which points had been deducted from clubs without difficulty by Management Committee in 2022 for breaches of eligibility regulations.*

*SAFI ABDULLAH - BIRKENHEAD PARK CC’s REGISTERED CATEGORY 3 1ST X1 OVERSEAS PLAYER*

*Management Committee would not have stopped him going home and gave other examples of where we had permitted this in the past but, under 6.4, he must then register and re-register if playing a game. This raised questions over his eligibility from 18 June. Did he play any matches in those weeks?. Cricinfo said that he played for Muzaffarabad Tigers in August.*

*In retrospect this was potentially a more serious issue.*

*A decision on Bailey Jones was needed rapidly as the timescale was short and Safi Abdullah was again not in the UK at that stage and Management Committee focused on what they knew in respect of Bailey Jones. 7.1.3 is very clear, if you want to move such a player you have to ask for approval.*

*Many of our regulations date back many years and probably need an overhaul. He accepted that M/C Should have been sharper over monitoring.*

*Ultimately on 17 September Safi Abdullah returned to play. Management Committee was notified by e-mail only 15 minutes before the game started! This playing of him should not have happened because any and all players cannot re- register after 31 July, therefore he was also an ineligible player.*

*IMPACT*

* *Birkenhead Park CC gained an unfair advantage over those 8 clubs in the Premier Division without a 2nd X1 overseas player and who were unable to do as they had done*
* *This was also potentially unfair as different strength Category 3 Overseas Players were being used against different teams.*

*FURTHER CONSIDERATIONS*

* *This was not an issue “between” Birkenhead Park CC and New Brighton CC*
* *The issue was between Birkenhead Park CC and the application of the playing regulations.*
* *But, in reality, the proposal had an outcome: one of the two clubs would “go down”.*
* *Why did Management Committee reduce sanctions by 50%?, why did they not reduce by 30% leaving them 3 points short? Various different points situations had been considered and were given.*
* *The facts were that :*

*One club, Birkenhead Park CC, broke the rules more than once, both players were ineligible; one club, New Brighton, played by the rules all the way through.*

*In terms of fairness which of these two clubs deserved to stay up?*

*A vote for the motion was a vote for the club that broke the rules*

*A vote against the motion was a vote for the club that played by the rules”*

CW thanked JW and moved the meeting on.

1. **Questions:**

Multiple questions were taken from clubs for just under an hour.

This part of the meeting was much the longest.

There was prolonged criticism of M/C from some clubs.

M/C criticised the behaviour of some clubs.

Exchanges of views were full and frank; at times these exchanges became heated and passionate.

1. **Vote:**

CW moved the meeting on to the vote.

The Roll was rechecked, Wigan CC was now present.

35 numbered voting slips “For/Against/Abstain” had been prepared.

These were put into a large cardboard box and thoroughly mixed.

A limited number of pencils was available for general use.

The two Tellers circulated throughout the room, one issuing a voting slip at random from the cardboard box, the other following behind after an interval collecting the voting slips in a transparent plastic bag.

The bag was brought to the front, shown to the room and then emptied onto a cleared table, placed there for the counting of votes purpose, stage left of the room.

An observer from Birkenhead Park CC was invited forward to observe the counting process.

Three separate piles of voting slips were produced, counted and double checked by the Tellers.

CW received the results and announced that there were:

**For the proposal:                 15 votes,**

**Against the proposal:          17 votes,**

**Abstained:                             3 votes.**

**The Birkenhead Park CC proposal was therefore NOT CARRIED**as themotion had failed to receive the required ⅔ of the 32 votes actually cast, in consequence Birkenhead Park CC was relegated in season 2022.

1. **Summary and Closure:**

CW noted that this meeting had witnessed due process within the L&DCC, we should feel proud of our transparent democratic heritage. A clear outcome had been achieved and he thanked everyone for their cooperation.

CW gave notice that:

1. A combined L&DCC End of Season pair of meetings would take place two weeks tonight i.e. on Tuesday November 8th 2022 at 7:00 pm in this room as already notified on the website.
2. The L&DCC AGM would take place again in this room on Tuesday January 10th 2023 at 7.00pm.

CW closed the meeting and wished club representatives a safe journey home.

*c8.38 pm*