

**MINUTE OF BRIEFING MEETING OF THE SCOTTISH RUGBY COUNCIL  
HELD BY MICROSOFT TEAMS  
AT 5.00pm ON THURSDAY 14 JANUARY 2020**

**Present:**

Ian Barr	(IB)	President
Colin Rigby	(CR)	Vice-President
Alistair Forsyth	(AB)	Borders Representative
Bobby Frazer	(BF)	National 3 Representative
Bob Richmond	(BR)	North Regional Representative
Eric Hugh	(EH)	National 2 Representative
Gerry Tosh	(GTo)	National 1 Representative
Gordon Thomson	(GT)	Premiership Representative
Hazel Swankie	(HS)	Midlands Representative
Ian Rankin	(IR)	Co-opted Representative (Pro14)
John Halliday	(JH)	Co-opted Representative (Rugby Europe)
Jonathon Anderson	(JA)	Schools Representative
Kenneth Knott	(KK)	Referees Representative
Malcolm Offord	(MO)	Scottish Exiles Representative
Murdo Gillanders	(MG)	Edinburgh Regional Representative
Willie Gardner	(WG)	Glasgow North Regional Representative

**Apologies:**

Gavin Hastings	(GH)	Co-opted Representative (British and Irish Lions)
Jim O'Neil	(JON)	Glasgow South Regional Representative

**In Attendance:**

[NAME REDACTED]	(XX)	Senior Solicitor & Council Secretary
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**1. Introduction****ACTION**

The President noted a quorum was present and opened the Meeting.

Apologies were received from the Glasgow South Representative and the British and Irish Lions Representative.

**2. President Update**

The President confirmed that he had met with the Chief Executive and Chief Operating Officer and updated the Council on the discussion and other points of key business. The following points were noted:

- The President suggested that the Director of Rugby was invited to the next Council Meeting to provide the Council with an opportunity to be introduced to him and the work he is doing.
- In relation to the Scottish Government funding, the President advised that Scottish Rugby were still awaiting details on when the funding would be made available and any associated conditionality of the grant/loan. It was hoped this would be clarified in the coming weeks.

He confirmed that there had been no in-depth discussion internally regarding the allocation of any funding but he acknowledged that the Council would want to be involved in that process.

The Midlands Representative asked why football clubs had already received clarification on what funding they were to receive, when rugby had not. The North Representative noted that Scottish Rugby were informed of the funding on 10 December 2020, there were then staffing changes within the Scottish Government and then the Christmas period which may have caused slight delay to any such clarification.

It was noted that although the finer details of the funding arrangement were still needed, the funding was intended to replace Scottish Rugby's lost revenue and receiving 75% of the funding in the form of a grant should be seen as a success.

- A question was asked regarding the Six Nations potential private equity deal. The Scottish Exiles Representative confirmed he sat on the Investment Committee as a Council Nominated Non-Executive Director.

He confirmed the Investment Committee were continuing their review of the deal and hoped to be in a position to make a recommendation to the Board in due course. The Council would be informed as matters progressed. He then proceeded to deal with the question posed and commented further on the transaction.

**[PARAGRAPHS REDACTED – COMMERCIALY CONFIDENTIAL]**

The Council thanked the Scottish Exiles Representative for his concise and clear answer which the Council were satisfied with.

- The President noted that the Threat Management Group (TMG) continued to meet at least once a week. The President noted the recent announced that the Women's and U20s Six Nation tournaments had been postponed. The Men's Six Nations tournament was still scheduled to go ahead as planned. He noted that player safety remained the primary concern in all decisions made.

He noted the additional complications that were being faced as different countries had different measures in place. The President highlighted that Scottish Rugby had thus far had very few instances of players testing positive for Covid-19 due to the rigorous testing rules and regulations that had been implemented, and followed by the players. He noted the importance of adherence to rules continuing.

- In relation to Edinburgh Rugby and Glasgow Warriors fixtures, the President noted their rearranged fixtures would be played in the coming weekend. There were a number of postponed fixtures which still needed to be played and the tournament organisers were currently considering the fixture calendar.

### **3. Rugby Development Update**

The President noted that it had been intended that the Rugby Development Department would attend the Meeting to present to the Council on the return to non-competitive rugby. However, due to the increased infection rate and current Government restrictions, this would be revisited when appropriate.

It was noted that in the meantime the Council would work with the Rugby Development Department to ensure rugby was ready to restart when restrictions allowed.

The President referred to the Rugby Development Report which was taken as read.

During discussion the following points were noted:

- In relation to the season structure consultation and recommendations, the Vice-President noted that his understanding was that the Rugby Development Department would be discussing matters with the Clubs in order to have an understanding of Clubs' views on the previous consultation and whether it had changed in light of Covid-19 and the lack of competitive rugby. The Vice-President noted he would confirm that this was still the case. He noted that serious consideration needed to be given to how players transitioned back into competitive rugby.
- The President highlighted that he was aware that there had been discussion from the Clubs regarding the timescale for release of the fixture lists for season 2021/22. He noted that the difficulty in producing fixtures lists at any given time was the current changing nature of Covid-19 and the associated restrictions.

The National 2 Representative noted that some of his Clubs wanted to have a 2021/22 fixture list to enable them to plan for the season and be ready to restart rugby when the restrictions allowed. During discussion, it was noted that other Clubs wished to only play social rugby in the 2021/22 season to allow a period of rebuild and reset.

The Premiership Representative noted that the timing of the release of the fixture list needed to be handled carefully to ensure it did not have a detrimental effect on the Premiership Clubs and their relationships with sponsors.

The President thanked Council Members for their feedback and encouraged Members to seek further feedback which would be further discussed at the next Council Meeting.

- The Borders Representatives noted that some of his Clubs had raised the question whether the age band for U18s rugby should be raised to U19 due to a group of players having to transition to adult rugby without the experience of their last year of U18 rugby due to Covid-19 restrictions. It was noted that the playing of social rugby may negate the need for any such change.

- The National 3 Representative referred to the survey which had been circulated by the Director of Rugby Development to the Council in advance of the Meeting.

He noted that it was clear that the vast majority of Clubs had lost income and members over the Covid-19 period and flagged that some Clubs would be in danger of not surviving the pandemic. He highlighted that the feedback should be kept in mind when considering how any Scottish Government funding should be distributed.

The President noted that the Director of Rugby Development had suggested that the survey would need to be revisited to obtain the most up to date feedback from the Clubs.

- The Vice-President noted that it should be kept in mind that the Rugby Development Department, in collaboration with the Council, had carried out substantial work during 2020 on blended models of rugby to implement a return to rugby. He highlighted that this was potentially a structure that could be put in place in 2021, if there was an absence of competitive rugby.

The Vice-President set out that there was no provision within the National Competition Rules (NCRs) which covered the consequences of a season being abandoned. He emphasised that it was vital ahead of a new season that the Council ensured that an appropriate mechanism was added to the NCRs to deal with any such situations.

The President thanked the Council for their input and feedback and noted that these discussions should continue to ensure Scottish Rugby could smoothly transition back to play when restrictions allowed.

#### **4. Governance Update**

##### **4.1 *Publication of Minutes***

It was noted that the first set of Council and Board Minutes had now been published following the passing of the 2020 AGM motions.

The Council discussed the redactions made within the Minutes and the framework of the Minutes going forward. It was noted that a redaction policy was being worked on and would provide clarity on the redactions that would require to be made. The redaction policy would be made available to the Council once finalised.

It was noted that the Council had previously discussed updating the Council Member Quarterly Reports to focus on the key issues that affected Clubs. It was agreed this review would be completed ahead of the next Council Quarterly Meeting.

It was also noted that the official Council Minute was not a transcript of the Meeting but was intended to capture the main points of discussion and decisions made. The Vice-President's note was not intended to be a formal Minute but sought to provide context to the Council's discussion.

The process going forward was discussed under agenda point 4.2.

#### 4.2 *Vice-President Note*

The Vice-President noted that he had not yet distributed his Vice-President note from the Council or Board Meetings to Council Members to allow the Council to first consider the publication of the Board and Council Minutes.

He then invited feedback from the Council on whether they wished his notes of Meetings to continue in light of the Minutes being published. The following points were noted:

- The National 1 Representative noted that the Vice-President's note of Council Meetings had been well received by Clubs and should continue. The National 3 representative agreed and noted that the Clubs look forward to receiving them due to the amount of information they contain.
- It was noted that the timing of the note should be considered as Clubs know when Council Meetings are and would like to know the outcome of Meetings at the earliest available opportunity.
- The Edinburgh Representative agreed that the notes had been well received and they gave the Clubs the context of the Council's discussions.
- The Borders Representative highlighted that the notes may cause an issue for an incoming Vice-President who did not have the time to prepare such full notes due to other commitments. The Vice-President agreed that it was a substantial time commitment and suggested the role of the Vice-President should be more clearly reviewed and defined as part of the Standing Committee on Governance's review.
- The North Representative raised whether there was duplication between the Minute and the Vice-President note now that both were being released.

The National 3 Representative was of the view that usually he would not want two sets of notes of one meeting and suggested that the Council Secretary and the Vice-President work in conjunction to create one document.

He noted that it would not always be possible for a Vice-President to do such a full note but thought the notes thus far were of a high quality and should continue.

- The Vice President explained that his note was intended to bring clarity and context to what was discussed at the Meeting but was not intended to be an official minute of the Meeting.

He noted that he and the Council Secretary would discuss how to ensure the same level of information was disseminated to the Clubs and consider whether it was achievable to consolidate the documents.

In the meantime, it was **AGREED** the Vice-President notes of Council Meetings would continue.

- In relation to the Vice-President Board note that was circulated to the Council, the Vice-President noted that in the past the Council Nominated Non-Executive Board Directors had verbally updated the Council on the Board business.

After discussion and consideration, the Council agreed that Vice-President Board note should continue to be made available for Council Members consideration only.

The President thanked the Council for their contribution to the discussion and highlighted the importance of all parts of Scottish Rugby working in collaboration with each other and continued transparency.

#### 4.3 *Decision Making Matrix and Code of Conduct*

The President noted that at the December 2020 Meeting of the Council, approval had been obtained for the Council's Standing Committee on Governance (SCOG) to review the Decision-Making Matrix and Code of Conduct following the recent passing of the 2020 AGM motions.

The President highlighted that since then, he had considered the matter and suggested that, due to the workload of SCOG, it would be useful for a subgroup to be formed and led by the Vice-President to review these matters and report back to SCOG with its recommendations.

During discussion the following points were noted:

- The President noted that it would be useful for a subgroup to look at these specific matters to allow SCOG to continue with the wider governance review. By the subgroup reporting their findings to SCOG, it would ensure there was no duplication of work, and SCOG could consider whether the recommendations of the subgroup fitted into the larger governance review work.
- The National 1 Representative suggested that the executive should be asked to rewrite the Decision-Making Matrix. The Vice-President flagged that the Clubs had placed the Council in charge of the review of the Decision-Making Matrix and Code of Conduct.

The Premiership Representative noted that it was important that the Council did not stray into areas that it did not need to, particularly operational matters.

The National 2 Representative noted that he had carried out an initial review of the Decision-Making Matrix and the Code of Conduct and any of the changes he had suggested were not of an operational nature and were predominantly related to the Club game.

- The Council discussed the possibility of implementing an interim Decision-Making Matrix and Code of Conduct. After discussion, it was agreed that the focus should be on finalising a permanent replacement for the Decision-Making Matrix and Code of Conduct.

It was **AGREED** a subgroup lead by the Vice-President would be established to review the Decision-Making Matrix and Code of Conduct and would report its recommendations to the SCOG.

#### 4.4 *SCOG Update*

The President provided the Council with an update on the work of SCOG.

He noted the group were instructing external independent legal advice examining the Trust element of the organisation structure and any associated tax implications.

Once the advice had been obtained, SCOG would continue to report its progress to the Council.

### 5. **Player Payment Working Party (PPWP)**

The Vice-President noted that it had been his intention to present the Player Payment Working Party's recommendations to Council at the Meeting, however final feedback was awaited, and the recommendations would be circulated to the Council in due course.

The Vice-President provided the Council with an overview of the work carried out and, in confidence, outlined the preliminary recommendations the group intended to make, subject to final feedback and advice. The following points were noted:

- The PPWP had consulted with the Rugby Development Department, High Performance Department, the Regulatory Department and 10 Premiership Clubs, 12 National 1 Clubs and 5 Clubs from the women's Premiership had also provided feedback.
- In relation to player payments in the Premiership, the Vice-President noted that the PPWP intended to recommend, subject to the outstanding final feedback, that:

**[PARAGRAPHS REDACTED – CONFIDENTIAL - PENDING FINALISATION OF REPORT AND APPROVALS]**

The President thanked the Vice-President and the PPWP members for the substantial work that they had completed and the preliminary recommendations outlined.

The Vice-President noted that once the detailed recommendations and report had been formalised and circulated to the Council for approval, he was happy to discuss the contents or any questions the Council Members may have.

### 6. **AOB**

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With all business concluded, the President thanked the Council for their time and closed the Meeting at 6.45pm.

Date of next meeting: Thursday 15 March 2021.

**APPROVED 9 FEBRUARY 2021**