



Title: Extracts from BAFA Board of Director meetings relating to BSAFA

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**Chairman's statement**

I declare that the contents of this document are a true reflection of the issues relating to the decision taken by the BAFA Board of Directors to suspend BSAFA voting rights at the BAFA Board.

The process to arrive at this outcome is constitutionally legal and binding – and a decision that was taken not lightly by my fellow board of Directors. In the absence of BSAFA voting rights at the BAFA Board, I assume responsibility for the BSAFA membership to ensure they are appropriately represented in the Whole Sport Plan development process.

A handwritten signature in black ink that reads "Gary Marshall". The signature is stylized with a long horizontal line extending from the end of the name.

Gary Marshall  
BAFA Chairman



### **Executive summary**

The purpose of this document is to provide extracts from the BAFA Board of Director meetings in chronological order that led to the BAFA Board of Directors to make the decision to suspend the voting rights of BSAFA. The following factual information is presented to ensure that the full facts are in the public domain.

The BAFA remains committed to provide a competitive framework for team sports in higher/tertiary education within our Whole Sport Plan.

## **Extracts from BAFA Board of Directors meetings (chronological order)**

### 1 April 2000 BAFA Board Meeting

The Financial Director confirmed that BSFA had still not paid fees due for the previous two seasons totalling £2,184. Fergus Kehoe was the BSFA Representative at the meeting.

### 5 August 2000 BAFA Board Meeting

The BSFA Representative, Fergus Kehoe, advised the meeting that he was chasing the moneys outstanding from the previous seasons. He stated that they hope to have most, if not all the money owed, paid in by the end of September.

### 25 November 2000 BAFA Board Meeting

The Financial Director advised the meeting that the BSFA moneys remained outstanding. Fergus Kehoe was the BSFA Representative at the meeting.

### 9 June 2001 BAFA Board Meeting

Confirmation received that the moneys due for the 1999-2000 season had now been paid. Moneys remained outstanding for the season ending March 2001. Fergus Kehoe was the BSFA Representative at the meeting.

### 13 April 2002 BAFA Board Meeting

The meeting was advised by the Financial Director that BSFA owed in excess of £5,000. Richard Handby was the BSFA Representative at the meeting.

### 8 Feb 2003 BAFA Board Meeting

The BSFA representative, Richard Handby, advised the meeting that the association now had sufficient moneys to pay the outstanding fees from the previous two years and confirmed that a cheque would be sent within the next seven days:

- £3,060 representing payment due for the BSFA season ending Mar 2001
- £3,438 representing payment due for the BSFA season ending Mar 2002
- Total Outstanding = £6,498

### 8 March 2003 Financial Directors Report to the Board of Directors

The Financial Director notified the BAFA that the moneys promised by BSFA at the previous meeting remained outstanding at the time of the report.

### GB Bulldogs (2003)

Richard Handby, BSFA Representative, approached BAFA requesting a loan of £5,000 to cover outstanding debts incurred by the BSFA Touring Team (GB Bulldogs). The Board agreed to provide an interest free loan to be repaid at the start of the 2003-2004 season in October 2003.

### 17 January 2004 BAFA Board Meeting

The meeting was advised by the Financial Director that the sum of £5,100 remained outstanding from BSFA for the season ending March 2003 and the loan of £5000 to BSFA for the GB Bulldogs overspend also remained outstanding. Richard Handby was the BSFA Representative at the meeting.

#### 17 July 2004 BAFA Board Meeting

Richard Handby, the BSFA representative, advised the BAFA that the moneys outstanding from the previous season should be paid by September if not before. Fergus Kehoe was the other BSFA Representative at the meeting.

#### 16 October 2004 BAFA Board Meeting

Payment was received from BSFA for the outstanding fees for the season ending March 2003 and a post-dated cheque was received for the outstanding GB Bulldogs loan. Richard Handby was the BSFA Representative at the meeting.

#### 15 October 2005 BAFA Board Meeting

The sum of £15,230 was outstanding from BSFA for the season ending March 2004. Richard Handby, the BSFA representative, agreed to pay these outstanding moneys within seven days. Richard Handby also requested that moneys due for the season ending March 2006 be paid in two instalments on 2 January 2006 and 2 April 2006. The BAFA Board agreed to this proposal.

#### 28 January 2006 BAFA Board Meeting

The first instalment of moneys totalling £16,470 due from BSFA on 2 January 2006 remains outstanding. Fergus Kehoe and Craig Waite were the BSFA Representatives at the meeting.

#### 29 April 2006 BAFA Board Meeting

The meeting was advised that BSFA owed the following sums:

- £18,520.00 for Membership fees for the season ending March 2006
- £2,609.14 for Wilson footballs

It was further confirmed that the agreement made at the October 2005 over the payment of the BSFA fees for the season ending March 2005 had not been complied with by BSFA. The Board agreed that a letter is sent to Richard Handby requesting payment in full of the outstanding fees by 31 May 2006 or an alternative method of payment be proposed by BSFA that is acceptable to BAFA.

#### 10 July 2006

A final demand was issued to BSFA regarding the outstanding moneys amounting to £21,129.14 at that time. BSFA were advised that this sum must be cleared into the BAFA account by close of business on 27th July 2006.

#### 26 July 2006

The BAFA Chairman, Gary Marshall was informed by Richard Handby, BSFA Representative that £12,000 of the money owing had been paid into the account and that BSFA would try to pay the remainder in October 2006.

28 July 2006 BAFA Board Meeting

It was agreed that BSAFA had a track record of failing to keep commitments to pay subscriptions on time and, because of this, there was no confidence in the undertaking provided to pay the outstanding fees in October.

It was further confirmed that the £12,000 paid direct into the BAFA account was a cash transaction.

It was agreed therefore that BSAFA's actions were not acceptable. It was further agreed that until the financial situation was improved BSAFA should not be allowed to take part in the business of BAFA. The board then passed the following proposal:

*"That BAFA suspend with immediate effect the voting rights of BSAFA and their eligibility to participate in the running of BAFA until such time as outstanding debts are cleared in full upon which BAFA will then consider re-instatement on terms and conditions to be decided at that time."*

As a result of this decision the following public statement was released:

*"At the meeting of the BAFA Board of Directors on 28th July 2006 the decision was taken unanimously by the other five represented bodies to suspend the voting rights of BSAFA.*

*At a meeting of the Board of Directors in October 2005, the BSAFA representative agreed to a schedule of payment for its members' contributions to BAFA.*

*Payments agreed to be made in January 2006 and April 2006 were not made and following several reminders from the BAFA Board, final demand to make payment of the outstanding £21,129.14 was made on 10 July 2006.*

*A partial payment of £12,000 was received on 26 July 2006 still leaving the sum of £9,129.14 outstanding.*

*The BAFA Board is very concerned that this is the third year in a row that this issue has arisen and feels it necessary to act now to ensure that this pattern does not continue in the future.*

*This decision has not been taken lightly.*

*BAFA would like to assure individual BSAFA members and all BCAFL teams that they are not being expelled from BAFA. BAFA fully expects that the coming college season will continue as planned."*

As a result of the letter sent by the BAFA Chair to Richard Handby the following email was received:

Gary

*"I am confirm receipt of this email as requested.*

*I will not be in touch again until such time as I have been able to consult with our membership over their desire to be members of this organsiation.*

*I am disappointed to hear that this decision was taken after the email i sent out on Wednesday received no replies and after your very exact statement on tonights meeting.. "The Friday meeting has only one item for discussion; BAFA Development." ... was clearly not true.and knowing that I was not able to attended you had specifically said that non BAFA board members could not attend instead.*

regards  
Rich"

#### 13 October 2006

A reminder invoice was issued to BSAFA via Richard Handby for the outstanding balance of £9,129.14

#### 27 October 2006

The BAFA Chair sent a further email to Richard Handby asking for an update on the current position regarding the outstanding moneys. No response was received.

#### 16 December 2006

With the failure of the BSAFA Management to respond to previous correspondence, the BAFA Board made the decision to instruct the Company Solicitor to commence legal proceedings for recovery of the outstanding debt.

#### 16 January 2007

BSAFA ordered Wilson Footballs direct from AmerSports in direct contravention of the agreement held between BAFA and their supplier. BSAFA also attempted to set up a separate account direct with AmerSports. AmerSports advised BSAFA that the official deal was with BAFA and all transactions had to be made via the BAFA ball deal. They also confirmed that no footballs would be released without BAFA confirmation.

#### 23 January 2007

The sum of £6,690.51 was paid direct into the BAFA bank account by BSAFA. Under advisement from the Company Solicitor, the moneys were used to offset part of the outstanding balance. The decision was taken to hold the footballs, now owned by BAFA, pending full settlement of the outstanding debts of BSAFA.

#### 27 January 2007 BAFA Board Meeting

It was confirmed that the following amounts still remain outstanding from BSAFA:

- £2,438.63 for Membership fees for the season ending March 2005
- £9,750.00 for First stage Membership fees due for the 2006-07 season based on 25 members per BSAFA team (39) collected from those teams in October 2006.
- £6,690.51 for Wilson footballs ordered by BSAFA direct from Wilson under the BAFA Wilson Ball deal
- Total due = £18,879.14

#### 29 January 2007

Following clarification sought by the Company Solicitor, formal letters were sent to the three members of the BSAFA NMC, Richard Handby, Craig Waite and Fergus Kehoe. The letters gave seven days notice to pay the outstanding monies, failure to do so would result in the commencement of legal proceedings.

#### 7 February 2007

The company solicitor received a response from Richard Handby and Craig Waite. In this response Richard Handby admitted the debt but no proposals were made to repay the outstanding debt.



21 February 2007

A further letter was received from Richard Handby and Craig Waite enclosing a cheque for £2,438.63. No further proposals were provided regarding the outstanding balance.

After due consideration a formal response was made by the Company Solicitor on behalf of the BAFA Board to Messrs Handby, Waite and Kehoe requesting proposals to pay and discharge the outstanding indebtedness failing which further proceedings will commence.

6 March 2007

Craig Waite, BSAFA NMC member, emailed the BAFA chair advising that he was planning to submit final registration figures for the season to enable all fees for the season to be paid. He was advised to forward the details to a specific email address. No further contact has been made and no registration information forthcoming.

15 March 2007

A payment of £2438.63 was received via the Company Solicitor reducing the outstanding balance to £14,001.88. Once the final figures have been provided, as promised by Craig Waite, it is expected that this figure will increase by at least c£9,000.

## **Conclusion**

The BAFA Board of Directors has no confidence that the BSAFA NMC are able to make provision for a reliable payment plan at this time. Hence, legal proceedings are ongoing against Richard Handby, Craig Waite and Fergus Kehoe to recover outstanding monies.

The BAFA remains committed to provide a competitive framework for team sports in higher/tertiary education within our Whole Sport Plan. The authors of this document therefore request the membership consider a 'vote of no confidence' in the current BSAFA NMC at the forthcoming BSAFA AGM in Coventry on March 24<sup>th</sup> to ensure the student membership can benefit from the good work that is being undertaken in the sport at this time and in the future.