

L&DCC CODE OF CONDUCT FOR OFFICIALS AND VOLUNTEERS - 2017

INTRODUCTION

All L&DCC officials and volunteers must:

1. Develop an appropriate working relationship with individuals, based on mutual trust and respect.
2. Promote the positive aspects of cricket through the Spirit of Cricket
3. Display consistently high standards of behaviour and appearance
4. Follow all guidelines laid down by the ECB and the L&DCC
5. Never condone rule violations.
6. Always consider the well-being and safety of all members and clubs in their actions

PART 1: GENERAL PROVISIONS

- 1.1 **Officials or volunteers of the L&DCC must observe the L&DCC's code of conduct whenever they**
 - 1.1.1. Conduct the business of the L&DCC;
 - 1.1.2. Conduct the business of the office to which they have been elected or appointed; or
 - 1.1.3. Act as a representative of the L&DCC,
- 1.2 **An official or volunteer must:**
 - 1.2.1. Promote equality by not discriminating unlawfully against any person;
 - 1.2.2. Treat others with respect; and
 - 1.2.3. Not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of the L&DCC.
- 1.3 **An official or volunteer must not:**
 - 1.3.1. Disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
 - 1.3.2. Prevent another person from gaining access to information to which that person is entitled by law.
- 1.4 **An official or volunteer must not in their official capacity, or any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.**
- 1.5 **An official or volunteer:**
 - 1.5.1. Must not in their official capacity, or any other circumstance, use their position improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
 - 1.5.2. Must, when using or authorising the use by others of the resources of the L&DCC,
 - 1.5.2.1. Act in accordance with the L&DCC's requirements; and

- 1.5.2.2. Ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the L&DCC or of the office to which the official or volunteer has been elected or appointed.

- 1.6 **An official or volunteer or any other member of the L&DCC who becomes aware of any conduct by another official or volunteer which he reasonably believes involves a failure to comply with the authority's code, must make a written report to that effect to the Management Committee as soon as it is practicable for him to do so.**

PART 2 INTERESTS:

2.1 PERSONAL INTERESTS

An official or volunteer must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other members of the L&DCC the well-being or financial position of himself, a relative or a friend or:

- 2.1.1 any employment or business carried on by such persons;
- 2.1.2 any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- 2.1.3 any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- 2.1.4 anybody listed in the sub-paragraphs below in which such persons hold a position of general control or management.

2.2 RELATIVES

In this document:

- 2.2.1 "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; "partner" in this sub-paragraph means a member of a couple who live together.

2.3 DISCLOSURE OF PERSONAL INTERESTS

An official or volunteer of the L&DCC with a personal interest in a matter who attends a meeting of the L&DCC at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

2.4 PREJUDICIAL INTERESTS

- 2.4.1 Subject to sub-paragraph 2.4.2 below, an official or volunteer within the L&DCC with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the L&DCC with knowledge of the relevant facts would reasonably regard as to be so significant that it is likely to prejudice the member's judgement of the L&DCC's interest.
- 2.4.2 An official or volunteer may regard him or herself as not having a prejudicial interest in a matter if that matter relates to:

- 2.4.2.1 another relevant authority of which he is a member;
- 2.4.2.2 another public authority in which he holds a position of general control or management;
- 2.4.2.3 a body to which he has been appointed or nominated by the authority as its representative;

2.5 PARTICIPATION IN RELATION TO DISCLOSED INTERESTS

- 2.5.1. An official or volunteer with a prejudicial interest in any matter must—
 - 2.5.1.1. withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the management committee; and
 - 2.5.1.2. not seek improperly to influence a decision about that matter.
- 2.5.2 For the purposes of these parts, “meeting” means any meeting of—
 - 2.5.2.1. the L&DCC; or
 - 2.5.2.2 any of the L&DCC’s committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

2.6 THE PENALTIES TO BE APPLIED

- 2.6.1. Upon finding a breach of the Regulations, or that an offence pursuant to the Regulations has been committed, the Cricket Committee in the first instance and the Management Committee upon appeal shall be entitled to impose such penalties as they think fit. Such penalties may include, but shall not be limited to:
 - 2.6.1.1 a caution, warning as to future conduct, and/or a reprimand;
 - 2.6.1.2 a suspension for a specified period;
 - 2.6.1.3 cancellation or removal of the office or volunteer status of any person in contravention of the regulation
- 2.6.2. sanctions shall only have effect if approved by a majority of the votes cast at a properly convened and quorate Management or Cricket Committee meeting under the chairmanship of the Chairman or Cricket Chairman respectively or his appointed deputy;
- 2.6.3. any penalties imposed by the Cricket Committee shall be subject to an appeal to the Management Committee

PART 3 HEARINGS AND APPEALS:

3.1 THE RIGHT TO A FAIR HEARING

The right to a fair hearing requires that an individual shall not be penalised by a decision affecting his rights or legitimate expectations unless he has been given prior notice of the case against him and a fair opportunity to answer the case against him and to produce his own case. To this end:

3.2 THE PRIOR NOTICE OF THE HEARING

The accused person shall be given adequate notice of the allegations against him and of the procedure to be followed so that he may be in a position to make representations on his own behalf, to appear at the hearing, to prepare his own case and to answer the case against him. The time and location of the hearing must also be properly notified to the reported person.

3.3. THE OPPORTUNITY TO BE HEARD

- 3.3.1 The reported person has a right to attend the hearing and be allowed to present his case. If the Cricket Committee is satisfied that the reported person has been given adequate notice of the alleged breach and of the time and location of the hearing, they may allow the hearing to proceed if the reported person fails to attend. However, it may not be justifiable to proceed if the time or location fixed for the hearing is such that the person cannot reasonably be expected to attend.
- 3.3.2 At least seven days’ notice in writing of the hearing and of the offence(s) alleged shall be given to the official or volunteer, or in the case of a club, to its secretary.

3.4 THE RULE AGAINST BIAS

A person adjudicating on a dispute must have no pecuniary or proprietary interest in the outcome of the proceedings and must not reasonably be suspected, or show a real likelihood, of bias, as set out in PART 2.

3.5 THE CONDUCT OF THE HEARING

Within these Guidelines words importing the singular shall include the plural and vice versa, and those importing the male shall include the female, and vice versa.

- 3.5.1. A complaint is received by either the Chairman of the League or the Secretary of the League who must refer the matter to a properly convened full Cricket Committee meeting.
- 3.5.2. The Hearing is conducted by the Cricket Chairman or his appointed Deputy in front of a properly convened full Cricket Committee meeting.
- 3.5.3 No one connected with the individual or the club, or their playing opponents in relation to the matter in question, or a club which might directly benefit from any disciplinary action (e.g. by the deduction of points), shall be a member of that Cricket Committee.
- 3.5.4. The accused person/club should be notified of the offence(s) alleged against him/them and the time and location of the hearing. The notification should be in writing, include all relevant documentation and give at least seven days’ notice.
- 3.5.5. The accused person is entitled to be supported by a colleague. There is no right to legal representation but the Panel would normally permit the accused person to be legally represented. However, the attendance or otherwise of the legal representative should not be used as a ‘delaying tactic’.
- 3.5.6. Witnesses should not be present in the room at the outset but should be called in individually to give their evidence at the appropriate time. (Ideally, a separate waiting area should be provided for each party).
- 3.5.7. The Chairman should open the hearing and introduce all the parties. He should then briefly outline the procedure to be followed.
- 3.5.8. The charges against the accused person/club should be specified.

- 3.5.9. Witnesses should be called individually and asked to give their evidence. The Panel may question the witnesses. The accused person (or representative)/club may question the witnesses.
- 3.5.10. The accused person/club should be asked to give his/their account and may call witnesses. The Panel may question the witnesses. Once the witnesses have given their evidence and answered any questions, they should either leave the room or, with the permission of the Chairman, they may remain but should take no further part in the hearing.
- 3.5.11. The Cricket Committee may question the accused person/club.
- 3.5.12. The Cricket Committee shall deliberate in private. The Cricket Committee's decision will be by majority vote; where necessary the Cricket Chairman shall have a casting vote.
- 3.5.13. The accused person/club shall be called back in and the Cricket Committee shall give their decision as to whether the case is proved or not proved. If proved, the accused person/club should be asked to give any mitigation which might affect the Cricket Committee's decision as to sentence if they have any discretion in this area.
- 3.5.14. The Cricket Committee shall consider the sentence in private.
- 3.5.15. The accused person/club shall be called back in and the Cricket Chairman shall announce the sentence. The accused person/club shall be made aware of the Appeals Process, particularly the time within which an appeal should be lodged.
- 3.5.16. The decision of the Cricket Committee and if appropriate the penalty shall be communicated to the accused person/club in writing within 21 days.

3.6. THE CONDUCT OF THE APPEAL PROCESS

- 3.6.1. Notice of appeal against the decision of the Cricket Committee, whether as to verdict or sentence, must be given in writing to the Secretary of the L&DCC within 7 days of the decision of the Cricket Committee (together with a deposit of £50.) The notice of appeal shall record the decision or part of the decision against which the appeal is made and the grounds and basis of the appeal.
- 3.6.2. Any penalty imposed by the Cricket Committee shall not take effect until the appeal has been heard.
- 3.6.3. The appeal must be heard by the Management Committee with the exception of the Cricket Chairman or his appointed deputy in post at the Hearing conducted by the Cricket Committee. The Management Committee must consist of not less than three people, none of whom should be connected with the individual or the club or the opponents in question, or a club which might directly benefit from any disciplinary action (e.g. by the deduction of points).
- 3.6.4. An appeal against the verdict should take the form of a complete re-hearing. The accused person or club shall have the same rights of attendance and representation and the ability to call witnesses as they did at the first hearing.
- 3.6.5. At an appeal against the sentence, the accused person or club shall have the same rights of attendance and representation as they did at the first hearing.
- 3.6.6. Decisions of the Management Committee shall be by majority vote with the League Chairman having a casting vote where necessary.
- 3.6.7. The decision of the Management Committee is final and binding subject to Section 8 of the L&DCC Constitution

Extract:

Special General Meetings

(a) A Special General Meeting (SGM) will be convened by the Honorary Secretary as and when required by the Management Committee or at the request of twelve full member clubs from whom requests for such a meeting in writing are required by the Honorary Secretary.

(b) At least 21 days notice of such a meeting will be provided to members and the notice will state the specific purpose of the meeting including any proposed changes to the Constitution, Rules and Regulations.

(c) The quorum, attendance and voting rights for an SGM will be the same as for an AGM.

- 3.6.8. The Management Committee can confirm the Cricket Committee's decision(s), vary it or reverse it. It has the power to increase the penalty and award costs.
- 3.6.9. The decision of the Management Committee and, if appropriate, the penalty, shall be communicated to the accused person/club in writing within 21 days.