



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD ONLINE (BY ZOOM)
ON WEDNESDAY 27TH SEPTEMBER 2023**

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| Present: | David Burn (DBu) | Chairman & Elected Member |
| | Steve Green (SG) | Vice Chairman & Elected Member |
| | David Bakhshi (DBa) | Elected Member |
| | Tim Rees (TR) | Elected Member |
| | Peter Grice (PG) | Elected Member |
| | Peter Hasenson (PH) | Elected Member |
| | Jane Jensen (JJ) | Elected Member |
| | Gordon Rainsford (GR) | Ex officio Member |
| | Adrian Darnell (AD) | Ex officio Member |
| | Tony Russ (TRu) | Ex officio Member |
| | Robin Barker (RB) | Co-opted Member |
| | Jonathan Lillycrop (JL) | Observer |
| | Heather Sanderson (HS) | Secretary |

1. PROCEDURAL MATTERS

- 1.1 Apologies for absence – None
PH apologised for his late arrival and SG apologised for leaving early.
- 1.2 DBu invited the new EBU Chairman and Vice Chairman to speak.
AD expressed gratitude to Ian Payn for steering the EBU through very difficult times.
He stated his approach to standing committees will be to allow them to do their work under the framework of the board.
- TRu echoed AD sentiments. DBu thanked TRu for his previous contribution to researching members' opinions about the Stop Card.
- 1.3 It was noted that the terms of DBu and PH were ending on 29th November, when the AGM is scheduled. The election of the L&EC Chair and Vice Chair will take place at the first meeting after the AGM.

- 1.4 GR raised an issue regarding the composition of the L&EC, noticed before the meeting by PH. In addition to the EBU Chair and Vice Chair, the [Articles of Association](#) designate the Chief Tournament Director as an ex-officio member of the committee. GR recommended that RB be co-opted for the specific purpose of overseeing the Blue Book and the White Book. It was agreed that RB was co-opted. GR reminded everyone that RB would need to be co-opted again after the AGM.

2. MINUTES AND MATTERS ARISING

- 2.1 The minutes of the meeting of the 3rd May 2023 were approved.

- 2.2 DBu restated the policy that the L&EC does not actively go looking for cases to investigate. Cases are made on the basis of complaints and sometimes on the basis of evidence discovered whilst investigating other cases.

SG asked to revisit this approach. He posited that the L&EC should investigate members on the basis of sudden NGS rises on the basis of subtle cheating activity is rarely complained about. Referencing the Prosecutor's fallacy, he said that if NGS triggered the investigation, it should not form a main part of the evidence in the case. SG noted that the L&EC has a duty to protect the integrity of the game for the membership. Concerns were expressed by committee members about changing the current policy. DBu asked how rare sudden NGS rises are. GR noted that a rise of 10% is remarkable when the grade is mature. There was a feeling of scepticism about changing the approach especially without more knowledge of the NGS data.

Action: SG will draft a proposal for future consideration

- 2.3 Stop Card Survey – Most people were content with the current process. It was agreed not to change things.

- 2.4 It was noted there was an action point re drafting guidance for rulings with respect to the National Authority which had not been completed. **Action: DBu will draft and circulate.**

3. APPEAL TO THE NATIONAL AUTHORITY

- 3.1 There were no appeals to the National Authority

- 3.2 RB explained proposed changes to the White Book with respect to appeals to the National Authority would make the process clearer. The plan would be that when a person contacted the L&EC Secretary about an appeal, they would be sent a copy of the White Book procedures and the criteria necessary for an appeal and then asked to confirm that they understand those before they lodge a deposit of £75.

3.2 GR noted that most appeals to the National Authority lose their deposit whilst most appeals from initial rulings do not. TR stated that he felt that the current committee had lost sight of that threshold. TR said that it is not appropriate to interpret everything as a matter of principle and worthy of an appeal to the National Authority. There should be a gross misjudgement involved.

DBu suggested that we review the numbers of decisions and the basis that appeals were heard. **Action: HS will put together past appeals and share with the committee in advance of the next meeting.**

3.3 PG noted that the last appeals booklet published was in 2016 and that 2017 was started but never finished. He suggested that we start publishing these again. There have been few appeals in recent years so all of them could be published, some possibly without comment. It was agreed it was a good idea to revive the booklets, publishing those of interest. TR noted that it is not particularly helpful to have foreign players commenting given it is meant to help English players.

Action: HS will provide data to PG and he will produce a few sample pages.

4. DISCIPLINARY MATTERS

4.1 Live cases where the defendant has been charged

It was noted that the defendants had confessed in both cases.

SG raised the possibility of requiring identification for direct membership applications to join the EBU. It was noted that some players have created online identities to cheat and achieve good results. GR noted that some players have been known to create second BBO identities to play with, without joining them to the EBU.

It was agreed that requiring identification was too onerous and should not be adopted.

SG raised an issue of directors abusing the host exemption facility to avoid sending some player sessions to NGS. **Action: SG to consult Tim Anderson and report to GR.**

SG noted that after guilty verdicts there are sometimes inaccurate rumours circulating. He suggested publishing the decisions of Disciplinary Committees. It was noted that compared to America, the EBU provides very little information about decisions. **Action: GR to seek legal advice.**

4.2 Live and pending cases where the defendant has not yet been charged

It was noted that pairs who are colluding without sharing complete information are difficult to convict without quantitative analysis.

4.3 Concluded cases where the defendant was charged

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|-----------------|--|
| Player | Adam Wiseberg |
| County | Manchester |
| Outcome | Guilty of unfair play online whilst acting as a tournament director |
| Sanction | Three years membership suspension plus ten years suspension from international representation |
| Appeal | Denied after thorough review of appellant and respondent submissions. Deposit (£100) was returned by the Appeal Committee. |

4.4 Review of Cases

A discussion was held about the results of cheating cases from 2020 to 2023. It was noted that there were significantly fewer cases and more confessions now than in the past.

5. DISCIPLINARY PROCEDURES

5.1 Use of Statistical Evidence

Statistics have proven extremely useful in investigating and prosecuting online cheating cases. However, this needs funds to develop a rigorous methodology that can be used in cases. SG has managed to secure some external funding for this. It was noted that there was a need to communicate the changing methodology the Disciplinary Panel so that they have a consistent understanding for how cases are investigated and how the statistics are calculated. **Action: SG will write to Geoff Smith.**

PH suggested that an article be submitted to *English Bridge* which would raise awareness of the tools used for investigating cheating. Another suggestion was to reveal that a number of members in the past year had confessed early avoiding publication on the website and in the magazine. It was agreed that *English Bridge* would be approached. **Action: SG**

5.2 Prosecution Committee guidance on behaviour cases update

After the previous meeting, JJ drafted guidance for prosecutors. During the drafting process, she realised that her guidance covered offences beyond bad behaviour at the bridge table such as misconduct by volunteers serving on committees, tournament directors and financial misconduct. JJ found input by Geoff Smith helpful.

JJ suggested sharing the guidance with the prosecution panel and disciplinary panel. **Action: L&EC read JJ's guidance and comment**

5.2 There was a discussion about recruiting more prosecutors.

cont'd **Action: HS will contact AD**

JJ noted that the Rules allow for a sanction to be appealed. She suggested before the sanction is decided, that prosecutors submit recommendations on sanction. GR recommended that such a submission could reference the sentencing guidelines. JJ requested that the Rules be updated to be more explicit to with respect to prosecution submissions on sanction. **Action: SG to draft proposed update**

5.3 Disciplinary Rule Changes for AGM

There was a discussion led by SG regarding Rules changes for the AGM to address issues that had arisen.

JJ suggested that representatives in disciplinary cases sign up to a Code of Conduct. PH recommended adapting the barrister code of conduct would be a good idea. PG opined that Disciplinary Chairs should take a firm hand to dealing with bad behaviour.

SG shared a recommendation from Geoff Smith that defendants pleading guilty are asked to confirm that there are no other disciplinary offences that they wish to have considered.

Including a ban on undertaking a company role was discussed. GR noted that the EBU already denies permission for the use in licensed events of tournament directors who are under sanction. The idea would be for Disciplinary Committees to have other sanctions available other than a playing ban or fine.

It was suggested that the wording be updated to allow the EBU recover legal costs incurred up to a max £5000 to be paid before membership is recommenced.

Updating the section on Appeals to clarify that appealing is not simply another bite of the cherry. JJ noted there should be a distinction between appealing a sanction and appealing a decision. Further updates would clarify that appeals are on written submissions alone unless in exceptional circumstances the Appeals Committee has questions.

Correspondence from Jerry Cope was discussed requesting that there should be a mechanism for defendants confirming that their representative speaks for them. PG stated that defendants must take responsibility for what their agent says on their behalf. It was agreed that this issue who be addressed in the Code of Conduct referenced earlier in the meeting.

Action: SG will draft proposals and circulate them in time for the AGM.

6 TECHNICAL MATTERS

6.1 **Blue Book**

It was agreed that a Blue Book subcommittee meeting would be scheduled to address possible tweaks.

6.2 [Blue Book](#) Reflections:

Correspondence from Norman Inniss, Douglas Johnstone and Steve Mai was discussed.

DBu stated that clubs are allowed to adopt their own regulations. TR noted that for ordinary club members, nothing has changed.

GR noted that normally changes were only made once a year and only if needed. RB noted that there is a difference between changing regulations and clarifying regulations. Now that the document is online, it is easier to make changes.

PH voiced his objections to the frequency of changes.

DBu stated that the aim to changes was to make the flow of the game more efficient and to implement the disclosure of methods. The process of telling the opponents what you play should be made easier.

TR stated that the Blue Book could be summed up in one sentence: The objective of announcing and alerting is to tell what they need to know. The detail in the Blue Book is just giving examples of what people need to know.

Action: DBu to write to the members who wrote in thanking for them for their feedback.

6.3 **White Book**

RB will present tweaks at the next meeting. **Action: RB**

6.4 [Best Behaviour at Bridge](#)

Correspondence from Peter Wagget requesting a code of conduct for RealBridge was discussed. DBu queried whether RealBridge had a Code of Conduct. GR quoted from Best Behaviour at Bridge

If a player at the table, whether face-to-face or online, behaves in an unacceptable manner, the director should be called immediately. Annoying behaviour, embarrassing remarks, or any other conduct which might interfere with the enjoyment of the game is specifically prohibited by Law 74A.

It was agreed that this was sufficient to cover issues like inappropriate attire and players watching TV or listening to the radio.

7. REPORTS FROM TOURNAMENT DIRECTORS

7.1 TD forms and comments

There were seven appeals on the Agenda. It was agreed to postpone the discussion about them until the next meeting except there was brief discussion about an appeal from May. It was agreed that the referee should be advised that the L&EC consensus was that his ruling was wrong.

9. DATE AND VENUE OF NEXT MEETING

It was agreed that the next meeting would be held in January on Zoom. The Committee would aim to hold a face-to-face meeting in May 2024 at TGRs Bridge Club.

Heather Sanderson
Secretary to the Laws & Ethics Committee
5 October 2023