

SUPER LEAGUE 2021 APPLICATION PROCESS AND CRITERIA

12th NOVEMBER 2020

SUPER LEAGUE 2021 APPLICATION PROCESS AND CRITERIA

A. BACKGROUND, AIMS AND OBJECTIVES

Due to the exceptional circumstances caused by the Covid-19 pandemic in July 2020, the RFL (Governing Body) Limited ("RFL") Board determined that at the end of the 2020 Season: (i) there should be no relegation from the Betfred Super League; and (ii) no team should be promoted from the Betfred Championship on the basis of On Field performance in the 2020 Season.

Toronto Wolfpack failed to complete the 2020 Season and subsequently Super League (Europe) Limited ("SLE") terminated its right to participate in the Super League competition.

The Super League Clubs (being the Ordinary Shareholders in SLE) have determined that there should still be 12 Clubs in the Super League in 2021 and accordingly there is one space that needs to be filled. It has been agreed by the RFL and SLE that the 12th Club shall be determined in accordance with the provisions set out in this document.

In participating in the application process, each applicant club agrees to the following Aims and Objectives of the selection process which involve the Panel selecting the club it is considered has the greatest potential to:

- 1. enhance the commercial value of the Super League to Broadcast and Sponsorship Partner(s) of SLE (both current and potential future partners);**
- 2. deliver value to other members of Super League;**
- 3. be competitive on the field of play;**
- 4. be sustainable for the 2021 Season (and beyond); and**
- 5. as a result of being in Super League, help deliver the broader Goals of the Sport as set out in the RFL Strategy Reset [document](#)**

B. APPLICATION AND SELECTION PROCESS

In participating in the application process, each applicant club agrees to the following application and selection process:

Selection Panel

1. The RFL and SLE have established a joint Panel made up of three (3) representatives of SLE and three (3) representatives of the RFL and chaired by Lord Jonathan Caine (the "**Panel**") to consider the applications and select the successful club in accordance with the other provisions of this document. In the event of an equality of votes of Panel members, the Chair shall have the casting vote.
2. In addition to Lord Caine, the Panel members are:
 - a. Chris Anderson, SLE General Counsel and Company Secretary;
 - b. Dave Rotheram, RFL Chief On Field Officer;
 - c. Graham Odlin, SLE Head of Finance;
 - d. Karen Moorhouse, RFL Chief Regulatory Officer, RFL Director and Company Secretary;
 - e. Rhodri Jones, SLE Chief Commercial Officer; and
 - f. Tony Sutton, RFL Chief Operating Officer.

Application Process

3. The RFL and SLE have set out Initial Criteria that any club wishing to apply for and obtain membership of Super League from 2021 must have attained, and accordingly only clubs who reasonably believe that they have attained such Initial Criteria are entitled to apply. The Initial Criteria are set out in Section C.
4. In addition, the RFL and SLE have set Assessment Criteria against which any club wishing to obtain membership of Super League in 2021 will be assessed. The Assessment Criteria are set out in Section D.
5. Clubs wishing to obtain membership of Super League must submit a signed declaration and application form assessing the club against the Initial Criteria and the Assessment

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Criteria and all supporting information referred to in the application form by 9am on Monday 30th November 2020 to karen.moorhouse@rfl.uk.com and chris.anderson@superleague.co.uk. All applications must be in English.

6. It is envisaged that the successful applicant will be announced by Wednesday 16th December 2020 (however this is subject to change at the discretion of the RFL and SLE).
7. The RFL and SLE are conscious of the limited period of time that applicant clubs have to prepare their applications: this is necessary to allow the successful club time to prepare for the 2021 Season. In recognition of this, the RFL and SLE have sought, where possible, to align the application criteria with information and documentation already held by the RFL or which applicant clubs should already have in existence.
8. It is the applicant's responsibility to ensure any relevant information is made available in a suitable and relevant manner and is accurate. Only information provided by the club in the application form and any attachments and/or appendices will be considered by the Panel and, subject to paragraphs 9 and 14 below, no information will be accepted by the Panel after the time and date stated in paragraph 5 above unless the Panel has specifically requested it. Late applications will not be considered.
9. All information given will be treated with the strictest confidence although the RFL/SLE may need to share information with employees or agents employed as part this selection process. Each applicant club shall, on the Panel's request, provide the Panel with its books and records and access to its premises to enable the Panel to review any information provided by that club (as the Panel considers appropriate).
10. It is the applicant's responsibility to ensure that any change in circumstances, that is known or reasonably ought to be known, which may or does materially affect the applicant's application is brought to the attention of the Panel within a reasonable period in particular bearing in mind the timetable and the ambition to conclude the selection process by Wednesday 16th December 2020.

Selection

11. Applicants will be first assessed against the Initial Criteria. Those clubs which, in the reasonable opinion of the Panel, do not satisfy the Initial Criteria (or in relation to stadium capacity have no reasonable potential of doing so by the start of the 2021 season) will have its application rejected.
12. The second stage will be to assess those clubs which satisfy the Initial Criteria against each of the Assessment Criteria. The Panel will have absolute discretion in the weighting of the Assessment Criteria. For the avoidance of doubt, the Assessment Criteria do not carry equal weight.
13. **At the conclusion of the steps set out in paragraphs 11 and 12 above the Panel will use its discretion to allocate Super League membership to one of the applicant clubs who in its reasonable opinion it believes is the most suitable club to be granted a Super League place taking into account:**
 - a. **an assessment of each of the applicant clubs against the Assessment Criteria;**
 - b. **the extent to which each club has the potential to meet the Aims and Objectives as set out in Section A – in determining this, it will consider:**
 - i. **the historical performance of the clubs under consideration; and**
 - ii. **the Panel's reasonable opinion as to the future performance of the clubs under consideration as the Panel reasonably considers appropriate.**
14. The Panel will base its assessment of the extent to which a club meets the Aims and Objectives on the information provided by each applicant with their completed application form: if any applicant would like the Panel to take any additional information relating to the club into consideration it should provide such information with its application form. The

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Panel may, at its sole discretion, obtain independent or other information that it considers relevant to a club's application for the purposes of assessing such application which has not been provided by an applicant club.

15. The Panel will not be obliged to provide any reasons for an application being successful or unsuccessful.

Terms of Participation

16. The successful applicant club shall enter into a participation agreement with SLE setting out their respective rights and obligations and shall be issued with a share in SLE. The successful applicant club shall have all the same rights as the other Super League clubs save that its share of SLE central funding in 2021 shall be £1,000,000 in the 2021 Season (payable in equal monthly instalments from January to December). If the applicant club completes the 2021 Season and retains its place in Super League beyond the end of the 2021 Season, it shall be entitled to SLE central funding on the same basis as all other Super League clubs.

No Appeal Against Decision

17. All applicant clubs agree to be bound by the arbitration provisions contained within this document (and by virtue enter into an arbitration agreement for the purposes of Section 6 of the Arbitration Act 1996 (the "Act")). Each applicant agrees that they waive irrevocably their right to any form of challenge, claim, complaint, appeal, review or recourse to any state court, or other judicial authority, subject to any applicable statutory or other rights.
18. There is no appeal against the exercise of the Panel's discretion. However, an applicant club, which feels that the process has not been applied fairly and reasonably, may apply to Sports Resolution (UK) in accordance with the Act and Sports Resolutions (UK) Arbitration Rules, which are deemed incorporated and activated by reference for a review of the procedure and a declaration as to whether the process has been fair and reasonable.
19. Any appeal must be submitted within 14 days of the date of the decision of the Panel granting a place in the 2021 Super League competition and shall be to a one-person tribunal appointed in accordance with the Arbitration Rules of Sports Resolutions (UK). Any decision shall be final and binding on all parties.
20. The tribunal appointed by Sports Resolutions (UK) shall determine responsibility for costs at the end of the proceedings, and shall have the power to order that all, or part, of the legal and other costs incurred by one party be paid by another party. The starting point in exercising the tribunal's discretion shall be that the unsuccessful party shall bear the costs of the arbitration.
21. The seat of the arbitrations shall be Manchester, England, unless otherwise determined.
22. Procedurally, arbitrations shall be governed by the Act unless otherwise determined by the tribunal appointed by Sports Resolutions (UK), and shall incorporate all the provisions of the Act, and shall amount to a binding arbitration agreement (save that sections 44, 45 and 69 of the Act shall not apply).

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C. INITIAL CRITERIA

| Criteria | Evidence Required |
|---|---|
| Club was in the Super League or finished in the Championship Top 6 in either 2018 or 2019 | RFL to confirm |
| Stadium has an operational capacity of 5,000* | Copy of Ground Safety Certificate (or other evidence) |
| Club has an average attendance of at least 2,000 in the 2018 or 2019 Regular Seasons (defined as per Section D below) | RFL to confirm |

** New Stadiums or redevelopments of existing stadiums will only be taken into account if the Panel is satisfied (at its complete discretion) that the Stadium will be open / redevelopment finished by the start of the 2021 season*

D. ASSESSMENT STANDARDS

Areas Covered

1. The criteria cover the following categories:
 - a. Market Size and Commercial Potential
 - b. Future Performance and Growth Plans
 - c. Playing Performance
 - d. Facilities and ability to host live TV Broadcast and key partners
 - e. Finance and Sustainability
 - f. Ownership, Management and Governance

General Principles

2. Where possible the information required is aligned to the Return on Investment Criteria for Championship and League 1 funding.
3. Where the Assessment Criteria refer to a document, it is quality and content of the document that will be assessed.
4. Where applicable, applicant clubs should reference how Covid-19 (and related restrictions) may impact on the delivery of any of the future plans set out in its application and the contingencies that it will put in place to deal with such impacts.

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| A MARKET SIZE AND COMMERCIAL POTENTIAL | | | |
|---|--|--|---|
| <i>(where relevant (and save where expressly stated to the contrary), for 2018, 2019 and as far as possible 2020)</i> | | | |
| Item | Guidance | Source | |
| 1 | Social and digital media footprint | <ul style="list-style-type: none"> a. Club Website traffic – total number of website page visits from 1st October 19 to 30th September 20 b. Number of Database records – total database size contactable by email c. The number of social media followers – measured as of 30th September 20 for: <ul style="list-style-type: none"> i. Number of Facebook likes for the club’s page; ii. Number of Twitter followers for the club’s account; and iii. Number of Instagram followers. d. Engagement of social media followers – measured from 1st October 19 to 30th September 20 for: <ul style="list-style-type: none"> i. Facebook – the total number of page views; ii. Twitter – the engagement; and iii. Instagram – the total number of impressions e. OurLeague – membership numbers per club as of 30th September 20. | Nothing required from the club – data already held by the RFL from previously submitted ROI Data Capture Returns for 2020 |
| 2 | Community footprint – scale and range of community engagement activities | <ul style="list-style-type: none"> a. Evidence of engagement with local community including, but not limited to, number of engagements and number of schools and local clubs engaged. b. Existing (and potential) footprint of the applicant club’ community programmes. | Copy of plan / objective evidence of activity Copy of objective evidence of reach and any plans to extend |
| 3 | Season tickets | Number of Season Ticket holders in 2018, 2019 and 2020 | Club to provide (including, where possible, objective supporting evidence) |

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| | | | |
|----------|--|--|--|
| 4 | Attendances | <p>a. Regular season average home attendance in 2019 and 2018.</p> <ul style="list-style-type: none"> - Regular Season is defined as: (i) in 2019, Championship Rounds 1 to 26 inclusive not including Summer Bash and for League 1 Rounds 1 to 22 inclusive; and (ii) in 2018, the Championship Rounds 1 to 23 inclusive (not including Summer Bash) and for League 1 Rounds 1 to 26. - The figure used should not include the attendance for any cup games or friendlies. <p>b. Highest Regular Season home attendance in 2019 and 2018.</p> <p><i>Note - For any club relegated from Super League in 2019, the club should use the data relating to the 2019 Super League season not including Magic Weekend.</i></p> | RFL to confirm based on centrally held data. |
| 5 | Merchandise sales | Total merchandise sales for each season | Club to provide (including, where possible, objective supporting evidence) |
| 6 | Sponsors and other commercial partners | Sponsors broken down by property, setting out value and nature of business of partners | Club to provide (including, where possible, objective supporting evidence) |

| B FUTURE PERFORMANCE AND GROWTH PLANS | | | |
|--|---|--|-----------------|
| | Item | Guidance | Source |
| 1 | Sales and Marketing plans for the 2021 Season, and beyond where available | Available club sales and marketing plan(s) | Club to provide |

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| C PLAYING PERFORMANCE | | |
|--|--|---|
| Item | Guidance | Source |
| 1 League finishing position in 2018 and 2019 (after Regular Season and after Play Offs) | | RFL to confirm based on centrally held data. |
| 2 Coaching and multi-disciplinary support team for 2021 | Information on existing coaching and support staff (including CV's of Head Coach, Head Physiotherapist and Player Welfare Manager) and details of whether and how the applicant club would strengthen if it was in Super League. | Club to provide (including, where possible, objective supporting evidence (e.g. Job descriptions, contracts of employment)) |
| 3 2021 Playing Squad | Information on existing playing staff and details of whether and how the applicant club would strengthen if it was in Super League (whilst remaining within the Salary Cap Regulations). | Club to provide (including, where possible, objective supporting or historic evidence) |
| 4 Training Facilities | Information on how the club has access to appropriate facilities commensurate with a full-time programme, including: <ul style="list-style-type: none"> a. Outdoor pitches (grass, 4G) b. Gymnasium c. Meeting rooms d. Office space for coaches e. Medical room f. Car Parking To include legal agreement with owners if club is not the owner. | Club to provide (including, where possible, objective supporting evidence) |

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| D FACILITIES AND ABILITY TO HOST LIVE TV BROADCAST AND KEY PARTNERS | | | |
|---|--|---|--|
| New Stadiums or redevelopments of existing stadiums will only be taken into account if the Panel is satisfied (at its complete discretion) that the Stadium will be open / redevelopment finished by the start of the 2021 season | | | |
| Item | Guidance | Source | |
| 1 | Stadium operational capacity | | Copy of ground safety certificate or Operational Manual with current Regulated Stand certificate |
| 2 | Compliance with RFL Facility Standards for Super League | | Panel inspection / RFL records |
| 3 | Quality of facilities available for the broadcaster and media. | <p>Panel will consider facilities including:</p> <ul style="list-style-type: none"> a. OB compound space b. Car park space for broadcasters and media c. Gantry space and position d. Floodlight Lux level e. Wi-Fi quality f. Power points – quantity in media area g. Secure written / radio facilities h. Suitable interview space and access i. Suitable hospitality space for the media | Panel inspection / RFL records |

| E FINANCE AND SUSTAINABILITY | | | |
|-------------------------------------|---|--|------------------|
| Item | Guidance | Source | |
| 1 | Financial Performance for the financial years 2018, 2019 and 2020 | Copy of fully audited (where available) non-abbreviated filed accounts for 2018 and 2019 and management accounts for 2020 to date. | Club to provide. |

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| | | | |
|----------|---|--|---|
| 2 | Any “insolvency event” since 1 January 2018. | Insolvency definition as specified in A3:6.10 of the RFL Operational Rules. | Club to confirm. Review of Companies House filings – to be carried out by Panel |
| 3 | Confirmation that Directors of the applicant club consider it is a going concern at the date of the application and club has fully completed the ‘Going Concern’ template provided. | Club to provide a signed and completed ‘Going Concern’ paper in format set out in Annex A, including confirmation of introduction of owner funding (and evidence of owner wealth) where relevant. | Club to provide. |
| 4 | Proposed financial performance and budget for the 2021 Season to cover: i. Sustainability; and ii. Ability to field a competitive team in the 2021 Season. | Budgeted P&L account and cash flow covering the one-year period from 01/12/2020 to 30/11/2021 in which the assumptions clearly outline any impact of Covid-19 or the restrictions on Rugby League or clubs that arise from it and which assume Super League central distributions of £1m (paid in equal monthly instalments) | Club to provide. |
| 5 | General administration and regulatory compliance. | Panel will consider compliance including the following (and each applicant club should cover each of the below in its application): a. All NI/PAYE/VAT & other HMRC (or relevant countries equivalent) payments are up to date, with the exclusion of any ongoing investigation or recent extraordinary assessments b. Club has not paid its players late in 2018, 2019 or 2020 c. Club has not had any court judgments made against it in 2018, 2019 or 2020 d. No party has commenced legal action against the club for overdue payments e. Club has not been late filing accounts with Companies House (or equivalent in other countries or territories) for its 2018 & 2019 financial years | Confirmation by club (with explanations for any exceptions). Panel to also complete register searches / Companies House filings. |

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| F OWNERSHIP, MANAGEMENT AND GOVERNANCE | | | |
|---|--|--|-----------------|
| Item | | Guidance | Source |
| 1 | Club ownership structure | Full details of all shareholdings and directors | Club to provide |
| 2 | Club organisational and staffing model (current and proposed) | Staffing chart with details of existing and proposed roles. | Club to provide |
| 3 | Club working towards compliance with Professional Clubs' Governance Code | Completed Governance Code Assessment | Club to provide |
| 4 | Club Inclusion and Diversity Statement and Plan | Copy of statement / plan | Club to provide |
| 5 | Material compliance with Operational Rules during 2018, 2019 and 2020 Season | Panel will consider any cases of Misconduct which led to a points deduction and/or a fine of £5k or greater (including any suspended fine) | RFL to confirm |

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E. DIRECTORS' DECLARATION

Each application must be accompanied by a declaration in the following form.

We the Directors of **[insert name of club company]** (the **"Club"**) certify that:

1. We agree to the Aims and Objectives and the selection process set out in the 2021 Super League Application Process and Criteria Document.
2. We agree to and shall comply with the application and selection process set out in the 2021 Super League Application Process and Criteria Document.
3. To the best of our knowledge and belief all information which we have provided in our application form and/or business plan and/or any attachments or appendices is correct.
4. We agree that the RFL Memorandum and Articles of Association and Operational Rules are legally binding and to agree to comply with the provisions of the RFL Memorandum and Articles of Association and Operational Rules (including the Salary Cap Regulations).
5. We agree that if granted a place in Super League we will sign a Participation Agreement with Super League (Europe) Limited.

Date:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

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ANNEX A

GOING CONCERN TEMPLATE

GOING CONCERN REVIEW - [xxx] (“the Club”)(to be completed on club headed paper)

Note for completion of the paper – the below headings are intended as a guide as to the level and breadth of information required – it is not intended to be exhaustive, please add headings and sections you feel may also be appropriate for your Club and your application.

1.0 INTRODUCTION AND PURPOSE

- 1.1 As part of the process of applying for entry to Super League for 2021 the Club has carried out a review of the business and its ability to continue to trade as a going concern into the foreseeable future.
- 1.2 As part of its review the key considerations in the opinion of the Club, are:
 - Impact of Covid-19
 - Performance and financial position as at 31 December 2019 (or last accounts filing date)
 - Performance and financial position as at the date of application
 - Analysis of future financial performance and cashflow sensitivities
 - Additional support and forward outlook

2.0 IMPACT OF COVID-19

- 2.1 The impact of Covid-19 has been significant for Rugby League. The key areas which directly affect the Club's trading activities and finances are as follows:
 - Games – [].
 - Broadcast income – [].
 - Merchandising - [].
 - Shareholders own business activities - [].

3.0 PERFORMANCE AND FINANCIAL POSITION AS AT 31 DECEMBER 2019 (or last accounts filing date)

- 3.1 [Summary review of last three years].
- 3.2 [Review of 2019].
- 3.3 [Any exceptional or other items or issues].
- 3.4 [Cash balance history].
- 3.5 [Analysis of how the Club has been funded in the past if applicable].

4.0 PERFORMANCE AND FINANCIAL POSITION AS AT THE DATE OF APPLICATION

- 4.1 [Review of 2020].
- 4.2 [Govt loan application summary – if applicable].
- 4.3 [Use of Govt interventions, bounceback funding, CJRS, Govt/RFL loan application].

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4.4 [Changes to/negotiations on wages structure for 2020, player and staff wages reductions, redundancies].

4.5 [Other].

5.0 ANALYSIS OF FUTURE FINANCIAL PERFORMANCE AND CASHFLOW SENSITIVITIES

5.1 [commentary on outcomes and assumptions of business plan, particularly on cash flow and its assumptions].

5.2 [Owner cash input assumptions, commentary on owner's personal ability and willingness to fund, history of owners funding input and where the business plan assumes owner cash input in order to maintain liquidity a certified statement of owner personal net wealth].

5.3 [Commentary and assumptions for post business plan period i.e. for the period after 30/11/2021]

5.4 [Details of background assumptions on games played, season structure, games BCD, for 2021].

5.5 [Other].

6.0 ADDITIONAL SUPPORT AND FORWARD OUTLOOK

6.1 Covid-19 Government Support

6.1.1 [assumptions for use of]

6.1.1.1 Furlough leave and CJRS

6.1.1.2 Government loans (bounceback or CBILS)

6.1.1.3 RFLI loans (and any potential extension of this scheme)

6.1.1.4 VAT & PAYE deferral

6.2 [Details of any other funding required or planned]

6.2.1 Bank overdraft or lending including dates of renewal

6.2.2 Other sources of funding

6.3 Asset Sales

6.3.1 [Details of any if planned]

7.0 SUMMARY

7.1 []

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8.0 DIRECTORS' DECLARATION

We the Directors of **[insert name of club company]** (the **"Club"**) certify that:

We consider the Club is a going concern at the date of the application and we have fully completed the 'Going Concern' paper according to the template provided above to the best of our knowledge at the date of application. To the extent that the need for additional owner funding has been identified as part of this review, we have attached the owner's confirmation that i) the required funds are available (supported by attached evidence of the owner's (or ownership group) wealth) and ii) the required amount will be introduced to the Club as required

Date:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature:

Name of Director:

Signature: