

COUNCIL OF NORTHERN CAVING CLUBS

British Caving Association

BCA constitutional amendments: Canvassing of opinion prior to 2017 CNCC AGM

You will remember back to the BCA poll in 2014 regarding the Countryside Rights of Way Act (CRoW). The results of the poll were a majority in favour of the BCA campaigning for caving to be recognised under CRoW. This could have a significant impact in our region where many of our caves (Leck and Casterton Fells and much of Ingleborough included) are on CRoW designated land.

Subsequent to this poll, the BCA appointed a CRoW Liaison Officer (Tim Allen) to lead the campaign. The CNCC has taken a generally supportive stance on the campaign to date.

Some (mostly from outside of the CNCC region) have argued that the CRoW campaign is in breach of the BCA's constitution. The specific BCA constitutional clause that has been cited is section 4.6:

“That the owners and tenants of property containing caves have the right to grant or withhold access.”

To address this, a debate was held at the last BCA AGM to amend this section of the constitution to:

“That any rights held by the owners or tenants of property or mineral rights, to grant or withhold access, be respected.”

The debate was inconclusive and the motion was sent to BCA Council to come up with a suitable solution. This amendment as presented above will be discussed at the BCA Council Meeting on 25th March 2017. If this BCA meeting agrees to progress this amendment, it will then be voted upon at BCA's AGM in June and then if successful, in a national postal ballot at a possible cost running into thousands of pounds.

The CNCC has a voice, and a vote at the BCA meeting in March. I would like to urge all our full member clubs to give careful thought as to whether the CNCC should be giving its support to progressing this amendment.

In deciding this, it is important to ascertain whether the exact wording of the amendment would be effective at achieving its aim; i.e. allowing the BCA to continue their campaign with no scope for anyone to interpret this course of action to be in breach of its constitution.

Part of the reason this requires such careful consideration is that it may not necessarily be such a clear-cut situation. Some people have expressed concern that the proposed amendment may not be suitably watertight and may still be cited as a barrier to the CRoW campaign. For example, it could be argued (as was put at last year's BCA AGM debate) that the act of the BCA pursuing the CRoW campaign (which is, in-effect, seeking to diminish the rights of owners or tenants to grant or withhold access) represents a failure to respect their rights as they are now.

If it was successfully argued that this interpretation of the new wording is valid, this could present another hurdle to the BCA's wish to pursue the CRoW campaign, and would mean that the amendment to the constitution would have been ineffective.

To try to get further information, the CNCC has asked the BCA Legal and Insurance Officer, Bob Mehew, a supporter of the CRoW campaign, for his opinion. This supplementary information will be included in a future communication or document.

This topic will be scheduled for discussion at the CNCC AGM on 11th March. Here, it will be necessary for us to decide whether the CNCC should use our vote to support or reject this amendment from being progressed to BCA's AGM and thence onto a ballot of all members later in the year.

BCA politics is a challenging area (and one that many cavers choose to avoid). However, I would like to remind you that this matter could have a direct major effect on cave access in our region in the long term, so please do take some time to consider this carefully.

All CNCC member clubs should attend our AGM on 11th March and make your feelings known either at the meeting or in advance directly to me (secretary@cncc.org.uk). The full agenda for this meeting will be available by the 28th January on our website.

Based on the outcome of our AGM, we will instruct our BCA representative how to vote.

There are several other (unrelated) BCA constitutional amendments also up for discussion which would all be covered by the same member ballot later in the year. These are shown in Appendix 1. The most significant other change is related to proxy-voting at BCA meetings. All others seem to be mostly housekeeping changes. Although these matters are of less relevance to CNCC's immediate affairs, we do have a vote and so a decision as to whether we should support these additional amendments will need to be reached.

Matt Ewles
Secretary, Council of Northern Caving Clubs
19th January 2017

Overleaf: Link to BCA constitution and full details of all proposed changes

Appendix 1: Full list of all proposed amendments to BCA constitution

Document: http://british-caving.org.uk/wiki3/doku.php?id=about:documents:bca_constitution

Proposal 1

That the following section of item 4.6 of the Constitution “That the owners and tenants of property containing caves have the right to grant or withhold access.” be amended to “That any rights held by the owners or tenants of property or mineral rights, to grant or withhold access, be respected.”

Purpose: To give effect to the resolution passed at the 2016 AGM

Comment: It is understood that if the Electoral Reform Society is used to conduct the ballot their charge will be approx doubled (i.e. £10-12,000) as the requirement is for two ballots to be conducted.

Should this resolution be passed then it is further proposed that the Constitution be amended as follows:

Proposal 2

who add a Section 8.16: ‘8.16 An Individual or Honorary member (the 'voter') who is eligible to vote at a General Meeting may choose to appoint a proxy to vote for them. This proxy (the 'nominee') must be another Individual or Honorary member who is also eligible to vote. The form of proxy, determined by National Council, will be provided with the notice of the meeting. The voter must provide the completed form of proxy to the Recorder at least 7 days for any General Meeting before the relevant meeting excepting an Emergency General Meeting where 48 hours shall be sufficient. Voters may indicate how they wish their nominee to vote or allow their nominee discretion. Council is empowered to limit the number of voters who may be represented by each individual nominee to as few as two, excepting the Chair who shall have no such limit (or the maximum number of voters may be represented by each individual nominee is limited to two). Proxy voting is not available to Group Members.

Purpose: To give effect to the resolution passed at the 2016 AGM

Proposal 3

Clause 5.1.b to read:

Constitutionally established National Bodies (hereinafter referred to as Constituent Bodies); constitutionally established caving, mining and other related Clubs; constitutionally established Regional Caving Councils; Cave Rescue Organisations and Access Controlling Bodies, hereinafter known as Group Members when referred to collectively.

In 6.2, 6.4, 7.2 the words “National Body” or “National Bodies” be replaced with “Constituent Body” or “Constituent Bodies”

Purpose: To correct the anomaly whereby what are generally referred to as Constituent Bodies are referred to as National Bodies in the constitution

Proposal 4

Clause 6.1 to read

The Association shall have the following officers: a Council Chairman, Secretary, Treasurer together

with the Chairmen of the Standing Committees (Section 7), who shall be elected from the membership of the Association at an Annual General Meeting, by a show of hands of those present who are eligible to vote. Here the two house voting system outlined in clause 8.9 will not apply. Each officer shall serve for a term of three years from the AGM. One third of Officers' posts in turn shall be eligible for election or re-election each year and those elected shall serve for a term of three years from the AGM.

Purpose: To avoid the potential impasse of one house voting for one candidate and the second house voting for another

Proposal 5

Clause 6.3 to read

Representatives from the classes of Individual and Group Membership shall be elected at an Annual General Meeting, by a show of hands of those present who are eligible to vote. Only Individual and Honorary Members shall vote in the election of an Individual Member's Representative and only Group Members who are not entitled to appoint a representative to Council under clause 6.4 shall vote in the election for a Group Membership Representative. Each representative shall serve for a term of two years from the AGM. Here, the two house system outlined in clause 8.9 will not apply.

Purpose: To avoid the potential impasse of one house voting for one candidate and the second house voting for another

Proposal 6

In Clause 6.15 the words "The post of President shall run for a period of one year from the Annual General meeting" be amended to "The post of President shall run until a new President is elected".

Purpose: To avoid the need to re-elect a President at every AGM

Proposal 7

Clause 9 Procedure for Postal Ballots be redesignated "Procedure for Ballots"

Clause 9.1 be amended to read

A constitutional amendment adopted by a General Meeting will require ratification by a ballot.

Clause 9.2 be amended to read

The General Meeting may refer any other successful motion that it deems appropriate, for ratification by a ballot. The General Meeting shall instruct the Executive to arrange such a ballot and shall specify any wording for the ratification of the motion and associated material, as the General Meeting considers necessary. The Executive may add additional associated material as it thinks fit. The ballot shall be held as soon as is reasonably practicable after the General Meeting. The ballot will normally be conducted as an online ballot and if so shall be issued to all members entitled to vote who have also elected to receive communications by e-mail. National Council shall ensure sufficient time is given from the dispatch of the papers to the closing date, normally one month or more, for receipt of returns. The counting of the votes shall be conducted as for a General Meeting.

In Clause 13.3 the word "postal" be deleted.

Purpose: To avoid the costs associated with a postal ballot