



Council Meeting Tuesday 12th July 2022 Minutes

The meeting was held via Zoom
19.00 pm to 21:00 pm

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Council Positions

Voting Position	Name	Initials
BCA Executive		
Chair 21-24 (3 years)	Russell Myers	RM
Secretary 21-24 (3 years)	Allan Richardson	AR
Treasurer 20-23 (3years)	Howard Jones	HJJ
Group/Club Reps		
Position 1, 21-23 (2 years)	Josh White	JW
Position 2, 22-24 (2 years)	Jenny Potts	JP
Individual Member Reps		
Position 1, 21-23 (2 years)	Nigel Atkins	NA
Position 2, 20-22 (2 years)	Andy Eavis	AE
Regional Council Reps		
CCC		
CNCC	Andrew Hinde	AH
CSCC	Linda Wilson	LW
DCA	Mike Higgins	MH
DCUC	David Jean	DJ
Constituent Body Reps		
William Pengelly CST	Richard Vooght	RV
Assoc. Cave Instructors	Stephan Natynczuk	SN
National Caving Scout Active Support Unit	Tony Radmall	TR
BCRA	John Gunn	JG
NAMHO	Steve Holding	SH
CHECC	Jennifer Ryder	JR
CDG	Claire Cohen	CC
BCRC	Emma Porter	EP

Non Voting Positions	Name	Initials
Working Group Convenors		
Training and Equipment	Steve Gray	
Conservation and Access	Vacant	
Information Technology	Ari Cooper-Davis	ACD
Youth and Development	Josh White	JW
QMC	George Plant	GP
CoG	Andrew McLeod	AM
Radon	Vacant	
P & I	Vacant	
Additional BCA Appointments		
Insurance Manager	Howard Jones	HJJ
Membership Administrator	Katie Eavis	KE

Safeguarding Officer	Chris Boardman	CB
Training Administrator	Mary Wild	MW
Library Representative	Jenny Potts	JP
Newsletter Editor	Vacant	
UIS Representative	Andy Eavis	AE
FSE Representative	Ged Campion	GC
Artificial Cave	Katie Eavis	KE
QMC Representative 1 (observer)	BCA Chair	
QMC Representative 2 (observer)	Chris Boardman	CB

Present

Steve Holding, Tony Radmall, John Gunn (to 8 pm), Richard Vooght, Russell Myers, Allan Richardson, David Jean, Chris Boardman, Mike Higgins, Ged Campion, Josh white, Jenny Potts, Linda Wilson, Stephan Natynczuk, Howard Jones, Nigel Atkins, Andrew Hinde (at end of meeting)

Agenda item 1: Apologies for absence.

Andrew McLeod, Andy Eavis

Agenda item 2: Acceptance of the 7th June 2022 Meeting Minutes

Proposer LW

2nd SH

Abstention JW Passed

Agenda item 3: Matters arising/Action Plan

Issue	Who	By when	Signed off

Agenda item 4: Vacancies

The following Council vacancies are still vacant:-

Conservation and Access Convenor

Publications and Information Convenor

Position 2 Group Representative

Radon WG Convenor

From JP

I would like to put my name forward for co-option by BCA Council at the meeting on Tuesday 12th July to the vacant position of 2nd. Group Rep. on Council.

Group Rep. to BCA Council

I have been caving for a number of years and have always been a member of a caving club. During my time I have held various administrative positions at National, Regional and Club level, being .currently Hut Booking Secretary and Chairman of my Club

Although Clubs as such no longer have a vote at national level, I consider they are a very important part of the BCA community, not least for the extraordinary unpaid help they provide every year in collecting and passing on Individual Member subscriptions to BCA

University Caving Clubs have had particular problems and CHECC has been extremely successful in helping student groups to overcome these problems and to integrate into the caving world. There are a huge variety of non-student caving clubs: charities, limited companies; clubs which own their own HQ buildings, clubs which manage access, etc. as well as clubs which are just a group of friends with a common purpose. I would hope to promote a more general BCA Club Forum which would enable these ordinary caving clubs to communicate and spread information about problems. met and possible solutions, in addition to promoting good practice

,Jenny Potts

11-7-22

JW thanked JP for a good election statement

Proposer JW

2nd LW

Unanimous passed

RM led a discussion on P&I post, COG had some ideas as to how we could address this. RM had been talking to BCRA and there might be some common ground on PR and communications side. JW said that if it was simply a PR and social media role there were plenty of people who could do this, he personally thought that P & I was a bigger role.

RM said that we still needed to work on this and welcomed ideas.

Agenda item 5: Chair's Report

Report from BCA Chair to Council Meeting July 12th 2022

The result of the ballot following the AGM has been circulated and Council is now reduced by four voting positions (two each of the Individual and Group Representatives). Whilst Andy Eavis is BCA representative (a non-voting position) to UIS, he has now been elected to an Individual Representative position and we welcome him into that position.

The situation regarding how we may help our fellow cavers in Ukraine has clarified following work by our Treasurer, Howard Jones to verify the bank account details by which donations etc. may be made. We felt it necessary to undertake "due diligence" of these details and indeed the people we are dealing with in Ukraine before circulating these details by way of an appeal plus the donation by BCA agreed by Council at the last meeting. I have still to put the detail together of an appeal on behalf of BCA.

A report has been submitted from the convenor of the COG WG (Constitution and Operations Working Group) following a recent meeting and raises some interesting matters which I commend Council members to consider. The COG group is becoming very much a "think tank" from which, some interesting ideas are developing.

Finally, I have been closely involved with QMC following my appointment as BCA Chair and also as one of two representatives from Council. Unfortunately, it has been necessary to undertake the disciplinary procedure to address concerns about an award holder. The BCA Disciplinary Procedure has been followed and a satisfactory outcome reached whereby the award holder has accepted the findings of the Appeal Panel and the remediation measures to address the areas of concern.

The message to take from this situation, is that BCA is prepared to take disciplinary action against its members where the circumstances justify it. We have a responsibility to uphold the highest standards of behaviour not just within the award scheme but also to one another and others who may come into contact with us as cavers and our activities associated with that in the widest sense.

Russell Myers
Chair
BCA
7/7/2022

HJ has sent £10 to the Ukrainian caving association A/c and has heard nothing back, he has asked PayPal to verify the A/c, no answer as yet.

GC spoke to point out that the FSE is having problems communicating with the Ukraine. The Ukrainians are busy with other things and have little time to reply or sort things out.

RM said it was important to about carry out a due diligence exercise.

JW spoke about the use of the money, could they actually use the money as per their constitution.

JG reported that Alexander Klimchouks daughter in law and his two grand daughters are in the UK.

JG had invited them up to the Peak District in August staying at the TSG, and that it would be nice if someone in the Dales could invite them up and cover their costs.

RM felt that getting some money to the Ukrainian Cavers was a morale boosting exercise.

Agenda item 6: BCA Secretaries Report

The presentation of the Council positions, reports and attendance table is in need of an overhaul, I intend to work on this ready for the next meeting.

Most organisations simply have a list of who attended the meeting and who gave their apologies.

The report status is fairly obvious from the minutes, you either submit a report or you don't.

I agree that we need to know how long someone is in position for, this could be a simple list with relevant dates.

No comments

AR reported to the meeting that the AGM minutes are with the Exec for checking.

JP said that the constitution on the website needed updating and to be made down loadable, JP also couldn't find the TOR's on the website, JW confirmed it was in the Manual of Operations, RM said that also needed rewriting. Need to check with AM.

Action AR/AM

Agenda item 7: BCA Treasurer Report

BCA Treasurer Report to BCA Council July 2022

Current bank balances: as at 01/07/2022 was £227,000. Of which £88,000 is in medium term interest bearing accounts and £77,000 is in a short term deposit account.

Bank accounts:

Base interest rate is above 1% for the first time in a long time and is forecast to be 3% by middle of 2023. To that end I will open a deposit account with HSBC for short term interest, until now the 0.1% offered was not worth the hassle. For organisations such as BCA that have cash savings, rising interest rates are good news.

Unusual spend since last Council:

BCRA 2021 second quarter donation £3,000, CSCC regional claim for 2021 £2,300, £1,200 safety aloft for 2 university kit loans, £500 Reading University travel grant, £40 data protection fee.

BCA Region claims for 2021 paid in 2022

We received a claim from CSCC for £2,350. BCA Finance committee approved the claim and it has been paid in full. This was virtually all C&A expenditure with Pondsmead and Compton Martin being the 2 largest projects.

BCA accounts result for 2021

These were approved by the BCA AGM in June. I then submitted the BCA tax return to HMRC. No tax is due. I used brought forward losses and charitable donations in the return.

CRow financial situation.

A previous Council meeting agreed we could spend up to £90k pursuing this claim on the basis of its details and likely impact for UK caving as a whole. To date we have paid £67k and there is a further £13k due to the lawyers for recent work, taking the total cost to £80k as budgeted on our own lawyer (which he acknowledges).

BCA Budget 2022.

Has been approved and distributed to Council. If all the assumptions come true it's a break even budget.

HJJ July 2022.

Nothing to add and no comments

Proposal to implement the HMRC mileage rate for BCA expenses

At a time when BCA and some of its constituent bodies are struggling to attract volunteers and at a time when cost of living inflation is forecast to hit 10% I believe BCA should agree to refunding mileage at the HMRC approved rate, which is based on AA and RAC surveys. The cost to BCA would be minimal, since Council and AGM meetings have gone electronic I have not paid out a mileage claim since Jan 2020.

Mileage rate:

BCA currently reimburses personal mileage claims at 25p per mile. If 2 BCA members who would be claiming are in the same car that rate goes up to 30p for the 1 claim.

HMRC (having consulted with motoring organisations) recommend a value of 45p for the first 10,000 miles in a year and 25p thereafter. This being the whole life cost of running your own vehicle. In paying 25p BCA are refunding the fuel element only, and probably not even that.

In refunding the fuel element only, BCA are refunding the direct cost of a trip at best.

A 2016 survey showed 92% of companies in the UK refunded at the HMRC rate. I could not find one to show what charities and similar bodies do.

DCA refund at 45P, other constituent bodies refund at 25p and one not at all.

So the question to address is, should BCA refund more than the direct cost of the trip?

HJJ 21/06/2022

Proposer TR
2nd JP

Unanimous passed.

Action HJJ

Agenda Item 8: BCA Insurance Manager's report

Nothing to report and no comments

Agenda Item 9: Membership Report

Nothing to report and no comments

Agenda Item 10: Other Reports

"Constitution and Operations working Group (COG) Report

We have identified some short, medium and long-term objectives; we are not bringing any proposals forward at this meeting but are continuing to work on various concepts.

In the short term, we have been considering how the BCA could benefit from paid support both for secretarial and publicity/public relations work. We are working with the C&A Convenor regarding developing a C&A Terms of Reference once that group has restarted meetings. Finally, we are considering whether a club forum (set up as a working group) would provide a useful means of two-way communication between the BCA and its member clubs.

In the medium term, we are continuing to consider how BCA (and BCRA) membership processes can be simplified and improved, noting the on-going IT project. We have also considered the anomalous position of 'group representatives' in the Constitution with an aim to rectify this in a future constitutional amendment when appropriate.

In the long term, we will consider the operational structure of BCA but we have not yet begun work on this objective."

Andrew McLeod

The council noted his report.

Library Report to BCA Council, 12 July 2022

The Library has very recently received a donation of £1,200 to be used in the Archives section. The donation came from the friends and widow of the late Michael Binns, whose collection of his father's diaries and photos form the Peter Binns section of the BCRA Online Archives on the Library website. The donation is in memory of Peter and Michael Binns.

This section of the Library website, which went online in 2021, has sparked a new interest in the early history of BSA. Steps are being taken to try to ensure that relevant archive material, currently on permanent loan from the Library to British Geological Survey at Keyworth, is made more accessible to enquirers.

Jenny Potts,
7-7-22

No Comments

UIS Report to BCA Council Meeting 12th July 2022

Since the AGM on 12th June, not much has changed. Clearly the UIS International Congress is taking a lot of time and emails. Please look on the International Congress website which is: <https://uis-speleo.org/> It will be a spectacular event. It sounds as though the French have organised it well and its in Savoie Mont-Blanc 24th to 31st July. Currently budget airline flights are reasonable, and accommodation, food and caving trips are all very well priced, plenty of opportunities for camping, drinking, partying, and obviously spectacular caving.

As mentioned in my last report the next International Congress will be in Brazil from 20th to 27th July 2025, after that it should be back in Europe in 2029. As I have mentioned several times before, I think Britain should apply for this. We ran a very successful EuroSpeleo a couple of years ago and the International Congress is along the same lines. The last International Congress in Britain was in 1977. I will never forget the congress party in Sheffield Town Hall, clearly the city authorities had no idea what to expect and their hospitality was brilliant, their tolerance excellent and everybody, I think including the authorities had a really good time.

Ged Campion who is currently President of the European Federation of Speleology has agreed to share the Great Britain delegate position with me.

Unfortunately, I am at a funeral on the day of this council meeting, so I will not be able to attend.

I hope to see as many people as possible at the congress.

Andy Eavis
July 7th 2022

RM noted the suggestion of the UK hosting the next International Conference in 2029.

GC pointed out that his job was to represent the BCA on the FSE. AE could also to share the position of UIS delegate with AE, Vice delegate was a voting position on the UIS.

AR reported to the meeting that there would be a Time Capsule assembled at the UIS conference in France in July. Member countries were asked to submit items of a max size of 0.5L, LW suggested a copy of Descent, there was general agreement.

Action AR

Agenda Item 11:

AGM 2022 was held on the 12 June by Zoom.

Agenda Item 12:

Approval of Working Groups and their Conveners

According to the constitution they need to be approved each year.

JW said we need to ask the various conveners if they wish to continue in position.

Working Groups

RM proposed that all the working groups continued to exist, including the dormant Radon Group.

RM reported that the merged training and equipment group was working well.

CB reported that a query to the group re a Petzl harness, had not been answered after some months.

JW said the Training Group need to make the groups minutes available.

Training and Equipment All in favour

Steve Gray, confirmed by email after the meeting.

Conservation & Access

JP submitted a report of an initial meeting on 18/7/22.

IT All in favour

Ari Cooper-Davis

Y & D All in favour

Josh White wished to continue.

QMC All in favour

George Plant has said he is happy to carry on.

CoG All in favour

Andrew McLeod has said he is happy to continue.

Radon Abstentions Nigel Atkins, Josh White, Linda Wilson. Passed

Position Vacant

P & I All in favour, CoG to gather some ideas on the role.

Position Vacant

Agenda Item 13: Any Other Business

None received.

Agenda Item 14: Date of next Council meeting

27th September 2022

For the next agenda, Council needs to create a proposed list of dates for Council meetings up to and including the next AGM

Appendices



Council Meeting Tuesday 7th June 2022 Minutes

The meeting was held via Zoom

19.00 pm to 21:00 pm

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Council Positions, Attendance and Report Status Table

Voting Positions

Position	Name	Initials	Attn	Report	
			(y/n)	Last	New
BCA Executive					
Chair (2021-2024) 3 years	Russell Myers	RM	y	07/06/2022	y
Secretary (2021- 2024) 3 years	Allan Richardson	AR	y	05/04/2022	n
Treasurer (2020 - 2023) 3 years	Howard Jones	HJJ	y	05/04/2022	n
Group/Club Representatives					
Position 1 2021-2023 (2 years)	Josh White	JW	y	07/12/21	n
Position 2 2021 – 2023 2 years)	Vacant				
Position 3 - (2020-2022 - 2 years)	Lydia Leather	LL	n		
Position 4 - (2020-2022 - 2 years)	Idris Williams	IW	y		
Individual Member Representatives					
Vacant					
Position 2 - (2021-2023 - 2 years)	Nigel Atkins	NA	n	01/02/2022	n
Position 3 - (2020-2022 - 2 years)	Jenny Potts	JP	y	05/04/22	n
Position 4 -	Andrew	AM	n		

(2020-2022 - 2 years)	McLeod				
Regional Council Representatives					
Cambrian Caving Council					
Council of Northern Caving Clubs	Andrew Hinde	AH	y		
Council of Southern Caving Clubs	Linda Wilson	LW	y		
Derbyshire Caving Association	Mike Higgins	MH	y		
Devon and Cornwall Underground Council	David Jean	DJ	n		
Constituent Body Representatives					
William Pengelly Cave Studies Trust	Richard Vooght	RV	n		
Association of Caving Instructors	Stephan Natynczuk	SN	n		
National Caving Scout Active Support Unit	Tony Radmall	TR	n		
British Cave Research Association	John Gunn	JG	n		
National Association of Mining History Organisations	Steve Holding	SH	y		
Council of Higher Education Caving Clubs	Jennifer Ryder	JR	n		
Cave Diving Group	Claire Cohen	CC	n		

British Cave Rescue Council	Emma Porter	EP	n		
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Non -Voting Positions

Position	Name	Initials	Atn	Report	
			(y/n)	Last	New
Working Group Convenors					
Training and Equipment	Steve Gray		n		
Conservation and Access	Vacant				
Information Technology	Ari Cooper-Davis	ACD	n	18/08/2020	n
Youth and Development	Josh White	JW	y	07/12/2021	n
CRoW	David Rose	DR	y	05/04/2022	n
Qualifications Management Committee (QMC)	George Plant	GP	n	05/04/22	n
Vision Recommend removing this group and replacing it with COG.	Andrew McLeod		n		
Radon	Vacant				
P & I	Vacant				
Additional BCA Appointments					
Insurance Manager	Howard Jones	HJJ	y	07/06/2022	y
Membership Administrator	Wendy Williams	WW	n	15/07/2021	n
Safeguarding Officer	Chris Boardman	CB	y	05/04/22	n
Training Administrator	Mary Wild	MW	n		

Library Representative	Jenny Potts	JP	y	05/04/2022	n
Newsletter Editor					
UIS Representative	Andy Eavis	AE	n	05/04/2022	n
FSE Representative	Ged Campion	GC	n	05/04/22	n
Rope Testing	Vacant	Recommendation to merge with Training & Equipment WG			
Artificial Cave	Katie Eavis	KE	n		
QMC Representative 1	BCA Chair				
QMC Representative 2	Chris Boardman	CB	y		
Observers					

Agenda item 1: Apologies for absence.

Ged Campion, Andrew McLeod, Tony Radmall, John Gunn, Richard Vooght, David Jean, Andy Eavis.

Agenda item 2: Acceptance of the 5th April 2022 Meeting Minutes

Proposer Jenny Potts

2nd Linda Wilson 1 abstention, rest in favour, passed.

Agenda item 3: Matters arising/Action Plan

None

Action plan

Issue	Who	By when	Signed off

Agenda item 4: Vacancies

The following Council vacancies are still vacant:-

Conservation and Access Convenor

Publications and Information Convenor

Position 1 Group Representative

Position 2 Group Representative

Radon WG Convenor

The chair is considering asking for nominations from the floor at the AGM.

RM was concerned that we have two key roles to fill, C&A and P&I

RM would give a brief outline of the jobs at the AGM.

LW queried about nominations and the proposal to reduce the size of council.

AH asked about JP's offer to set up a Conservation Group, she has not had time yet but will work on it.

Agenda item 5: Chair's Report

Chair Report AGM 2022 and June 7th Council Meeting

Bringing the AGM date back into line with pre-pandemic timing has created a short year and this year's AGM in June feels to be upon us with some speed. Whilst I personally feel not to have achieved as much as I may have wished the day-to-day functions of the Association continue to run providing services to members for which I express thanks to those involved on behalf of the membership at large.

In particular, it is pleasing to note the membership report showing an increase in overall membership (6202) when considered against the similar period ending in 2020 which the Covid pandemic had not had time to affect. Clearly, the restrictions at the time had a very serious effect on actual caving, all but wiping out the activity. The current membership figures and anecdotal evidence from the ground indicate that caving has bounced back and reflects the resilience of cavers to return to their chosen sport; it is most encouraging.

Of concern, is the lack of volunteers coming forward to help run the Association, these are highlighted in the vacant posts which require filling and for which we have not received any nominations. Whilst there is a feeling that Council has become too large and unwieldy and a proposal has been made to reduce the representatives by four, there are some key positions which really could do with being filled; the Conservation position being a prominent one.

I have a personal philosophy of putting more back than I take out of activities I have been engaged in and hope that members share something similar to the extent of coming forward and volunteering. I am happy to discuss any aspects of this with anyone maybe wavering about doing the right thing. Don't be afraid of jumping in at the deep end!

On a more serious, (as I write 27/5) the CRoW legal case has reached an unsatisfactory conclusion which has left those of us involved feeling deeply disappointed that the key issue about whether caving is a permissible activity remains unresolved. Irrespective of your views on CRoW, we owe a deep sense of gratitude to those directly involved for the time and effort they have dedicated to pursuing this course of action. I do not wish to dwell on the finer details of the outcome which will no doubt be highlighted in the CRoW working group convenor's report, suffice to say there are some positives on which to build future strategy to address this issue.

BCA policy remains that in the Association's opinion, caving is a permissible activity in CRoW designated land.

Ukraine became a situation of great concern for UK cavers and BCA issued a statement of support along with that from BCRA condemning unreservedly, the Russian invasion and war. Whilst our support is for the entire people of Ukraine, we cannot help but consider the effect this war is having on the Ukraine caving community. Initial points of contact have been made with key cavers in the country but it has been difficult to establish just what help can be provided other than the moral support we have demonstrated. It is clear that financial donations to recognised organisations e.g., DEC help overall with the knowledge that donations are disseminated through legitimate relief

agencies. However, establishing how we may support the caving community there more directly is proving difficult to achieve; our contact indicates that many of the cavers are actively engaged in the war. However, it looks possible to become members of the Ukraine Speleological Association (UKrSA) both as individual members and also joining as a national body i.e., BCA which we will continue to explore.

Finally, it was a privilege to be elected as Chair of BCA for a further term of office and I feel honoured to have received your confidence to continue in the role which I will undertake to the best of my abilities.

Russell Myers

Chair

BCA

May 2022.

Update on the Ukraine element.

Slow progress on looking into BCA members joining the UKrSA, he has only just got some bank details, these have been passed to HJ for checking.

LW asked if the Ukrainians would be happy for lots of BCA members joining, they seem ok with it. JW asked what was our hope with this, RM replied it was showing solidarity with them and also gets some money into their coffers. JW concerned as to how or if it could be used and wondered if it would be better sending the money to a charity providing humanitarian aid. HJ said that the recipients could spend the donation as they wished depending upon any caveat attached.

RM stated the UKrSA bank account is based in the UK.

Proposal

That BCA joins the UKrSA as an Organisation, at a fee for up to and including £600. Once we are happy with the bank account details and the ease of payment, that BCA clears with the UKrSA whether they can handle individual BCA members joining the UKrSA. if they can then we publish the account details in UkCaving, Descent, BCA Website etc, so that individuals who wish to join the UKrSA are able to do so. At a time after the conflict BCA Council then considers a donation larger than that already given would be suitable for helping the UKrSA to help rebuild their sport,

Prop HJ

2nd LW Unanimous, passed.

Agenda item 6: BCA Secretaries Report

Nothing to report.

No Comments

Agenda item 7: BCA Treasurer Report

Nothing to add and no comments.

Acceptance

prop JP

2nd SH Unanimous passed.

Agenda Item 8: BCA Insurance Manager's report

BCA Insurance Managers report to BCA Council June 2022 and AGM

Claims

We have no outstanding claims. Hence we have received a no claims bonus of £1,200 for 2021. The 2 claims we received in 2020 have both been vigorously defended and have gone away.

Public Liability Policy renewal as at 1/1/2022

We have renewed the above for 2022 with no price increase for policies over 2021. We have updated the necessary documents on the BCA website including the FAQs document. The number of underwriters for sporting PL policies is reducing which is a medium term concern. One of the BCA underwriters left the market and was replaced. Some limited non-member cover was added in 2021 but to ensure PL cover its best to join BCA.

BCA travel policy

We have renewed the above for 2022 with no price increase for policies over 2021. However the war in Eastern Europe will affect some travel and hence insurance.

Howard Jones BCA Insurance Manager 22/05/2022

Nothing to add and no comments

Prop JP

2nd IW Unanimous passed.

Agenda Item 9: Membership Report

For June 2022 Council and AGM.

BCA Club membership

Katie Eavis – membership administrator

2020 vs 2021 vs 2022 Membership levels

	2020 (up until the 31st December)	2021 (up until the 31st December)	2022 (up until the 24th May)
Groups <small>[L] [SEP]</small> (including Member Clubs, Associates and Access Controlling Bodies	166	162	167
CIMs <small>[L] [SEP]</small> (including Cavers, Non-Cavers, Students, Under 18s and CDG)	5308	5049	5395

Clubs:

Seven clubs that were members in 2021 have not yet renewed for 2022. One of these one has let me know they don't intend to renew. The others have not replied. I will chase one more time in early June and then assume they are not interested in joining.

The BCA has one new access controlling body for 2022.

Twelve clubs who have previously been BCA members, but were not members in 2021, have re-joined the BCA this year. Four of these are university linked caving clubs.

Club members:

CIM levels are looking very good. (although not having all of Wendy's data I can't compare to pre-2020) Several clubs are reporting very high levels of interest in caving at the moment and there are a number of clubs who seem to be adding new members at an impressive rate.

Gender

Of 5395 club members we have gender data on 4622 members. Of these the gender split is:

Male – 3470 = 75% of those we have data for Female – 1152 = 25% of those we have data for

2022 BCA club members sorted by decade of birth. From the 5395 CIM members BCA has year of birth data for 3290 of these. This does not include any DIM data.

Club members by membership category Club members all fall into 4 categories which each have a different membership price. Under 18s – free membership for those under 18 on the 1st January 2022 Student membership – a discounted membership rate for full time undergraduate students Caving membership – those who wish to go underground but aren't full time students or under 18. Non-caving membership – for club members who don't intend to go underground.

Card Printing and Posting

Membership cards are being printed and posted out within 2 weeks.

Regional councils.

Since the last meeting I have contacted all regional councils and passed on the lists of clubs that wish to affiliate and their contact details.

DIM membership Report

David Gibson

I am currently re-coding the statistics module so this is just a quick summary obtained by running COUNTIF functions on the output spreadsheet.

BCA's DIM membership is currently 807 (March: 687) including 61 (March: 59) non-cavers. That is, there are an additional 120 members since March. These are mostly late renewals and people who, having declared they were a DIM on their club's CIM form, needed chasing for a payment.

Regarding the membership software, development continues, and this year the customer-facing form will be re-designed to make it easier to use, and more phone-friendly.

RM happy that membership roughly back where it was pre Covid

Agenda Item 10: Other Reports

None received

Agenda Item 11:

AGM 2022 will be on the 12 June by Zoom.

Timeline

Notification was sent out before 6/2/22, this was posted on the BCA website and on UKCaving.

Agenda was posted

Deadline for receipt of nominations, proposals etc passed at midnight on 20/3/22

Deadline for reports passed at midnight on 29/5/22

Deadline for posting reports was 5/6/22

Voting until midnight 26/6/22

RM queried whether he can run it as per the past few years, meeting was happy with this.

Agenda Item 12: CRoW

CRoW group report

29 May 2022

As council members will recall, following the terms of the settlement of our judicial review over the meaning and application of the open access provisions of the Countryside and Rights of Way Act (CROW) against the Welsh Government, the BCA submitted representations to it in February. The invitation to make these representations was part of the settlement.

It should be recalled that our lawyers had told us very clearly that we ought to accept this settlement, because if we didn't, the way the law works means we would likely have had to pay much higher costs, without getting the fundamental issue resolved. The likelihood, according to Gwion Lewis QC, was that because the settlement offer was made formally and thus was known to the court, we would not even have been able to persuade the judge to hear argument about the meaning of the CROW Act, but would have wasted time and money on procedural questions that wouldn't have clarified the Act's meaning at all. The judge would have said: "You should have taken this offer which would have allowed you to make representations. That remains the best next step. And the fact you didn't means you must now pay the costs incurred by the other side in this hearing."

Regrettably, at the last BCA council, held when I was away caving in Mexico, an inaccurate account of these developments was given by a former group member, Stuart France, who insisted we should have gone to court anyhow. He claimed that I had not shared this legal advice with the rest of the group, nor kept them informed as to the decision making process that followed. In fact, as the email trail shows – and if anyone wants to see it, I can provide it – both the CROW group and the executive were kept fully informed at every stage. I forwarded the critical advice from Gwion Lewis QC that we should settle on the day I received it. I followed this up with an email to the group and the exec in which I tried to explain this in non-technical terms. Several CROW group members and the BCA Treasurer commented in further emails to me that we did indeed have to accept the settlement, much as this went against the grain. I am grateful to the two group members, Tim Allen and Jenny Potts, who have already written to the exec to support the above account and disassociating themselves from Stuart, who has in any event resigned from the group.

In our representations we argued that that even if it did not accept that CROW does not apply to caving, the WG should convene an access reform advisory body to consider how and whether our access should be reformed. The Government has now responded, and its answer is a resounding

“no”. (The English Government is effectively also a party to the case.) For the very first time, they have given proper reasons for rejecting our arguments. Their main point is that there is no need to reform cave access, or even to consider it, because this would involve a disproportionate use of resources that would be better deployed elsewhere. Some of the evidence they cite here is bizarre, and maybe open to challenge: for example, they say that the location of cave entrances is unknown, and that caves are not properly mapped, so establishing whether a particular cave actually is on CROW land would cost a fortune.

Meanwhile, last week the judge in the first case finally made a ruling on costs. He has determined that the case amounts to a “score draw”: neither side has to pay the other’s costs. Of course, that means we don’t get reimbursed.

So where does this leave us? I asked our lawyers to assess whether, in light of the Government’s response, which we think contains factual errors, we would stand a good chance of success if we now lodged a second judicial review, and whether, if we did, the court would cut to the chase – ruling simply on the meaning of the Act and the refusal of the Government to set up a new advisory body to consider widening cavers’ access – and whether it would do so without the procedural distractions that bogged the first case down.

On Friday I had an online meeting with our solicitor Richard Buxton and Gwion Lewis QC. The upshot was that we are, for the time being, at the end of the legal road.

In a nutshell, Gwion addressed four issues.

- We are unlikely to succeed in an appeal against the decision of the judge not to award us costs from the WG. He feels the decision was wrong, but the Court of Appeal reverses such decisions very rarely. He does point out that not having costs awarded against us does represent a level of success.
- In his view, the response to the submissions we made DOES represent a justiciable decision over whether CROW applies to caving. Therefore if we were to launch a second JR, we would be at least 60% likely to succeed in an attempt to get the court to focus solely on the issue we have always wanted resolved: the meaning of the law.
- However, the detailed reasons set out for the first time by the WG in its response means we would be much less likely to win. The reasons and evidence cited are open to challenge. But the fact they exist and the detail in which they are set out mean it would be a very bold judge who disregarded them. The Court of Appeal would be even less likely to find in our favour. The courts would, Gwion thinks, likely decide that this was properly a matter for government, not the courts, especially because of the argument a decision in our favour would have resource implications. Courts would not be likely to tell the WG: “You have to do this, even though you say it would cost money you’d rather spend on other things, that would affect a larger group of people.” Therefore Gwion advises AGAINST any further JR.
- Nevertheless, we can chalk up some small victories. We have persuaded the Court of Appeal to state that there is an arguable case in law that CROW applies to caving, and that the WG was wrong to exclude us from its first access reform group. Moreover, the WG refused our offer of a “part 8 hearing” which would have been a joint approach asking the courts to clarify the law. This suggests it is far from confident we are wrong. It may be that one day, we will want to pursue another court case making a similar claim, in other circumstances, perhaps in England. If so, these

victories would weigh in our favour and could be cited in court. They can also be used in a further campaign of persuasion with lawmakers.

Jenny has already suggested that we should concentrate on politicians for now, if we want to continue this campaign. Gwion thinks she is right. And I would suggest we should especially be targeting Labour ones, since Labour is increasingly looking likely to win the next election – and will have a much more liberal attitude to outdoors access in general. I am happy to continue to try to lead this. In my new job as a political journalist, I have a parliamentary “access all areas” lobby pass, which means it’s very easy for me to talk face to face with politicians.

In summary: the position is more uncertain than it was before – and the needle has moved a little in our favour. But the court case is done.

David Rose
BCA CROW group convenor

David reported the following to the meeting

We are at the end of the road in the Judicial process.

DR reported that SF gave a misleading account of events to a previous Council meeting, alleging that he, David Rose, failed to keep the rest of the CRoW group informed of what was happening.

DR reported that the email trail shows this not to be true.

The issue at stake is that the Welsh Gov, Defra and Natural England have done all they could to keep the matter away from a Judge.

We were forced to accept the settlement last Autumn as it was phrased in such a way that a court would refuse to hear it.

Any further action would be expensive and fruitless.

There was no order on costs, to overturn this is very difficult.

Tim Allen says that a positive result from this case is that there been a sea change in how landowners view access and caving, access is becoming easier in the Dales.

David is happy to continue to run the campaign on the political stage, it is unlikely that the present Conservative Government will want to improve access.

DR said that the Crow Group is to continue with its work.

AH expressed his thanks to Dave and the team for the work they have done over the last few years, this was supported by council.

DR and AH to talk about how to proceed with the next stage of CRoW now that the legal case has come to an end.

RM proposed that we accept David’s report and his report to the meeting, all in favour.

DR to place his report on the BCA Website.

Agenda Item 13: Any Other Business

None received.

Agenda Item 14: Date of next Council meeting

Tuesday 12th July at 1900 by Zoom