



Council Meeting 4th April 2020

Originally scheduled at Spanset, Telford Way, Middlewich, CW10 0HX

Due to current UK Government advice on social distancing, this meeting has been cancelled.

The planned agenda items were discussed by BCA Executive in a Skype call on 18th March 2020. Some agenda items were accepted, as they were deemed not to require Council input (they were considered very likely to achieve majority support, the associate costs were small (\leq £500) and the extended wider consequences negligible). These include a decision to purchase Newtocaving.com and to produce more copies of the Weils Disease cards. Details enclosed in this document.

However, other items were deemed to require Council input, including a decision about whether to fund work leading towards a Judicial Review of the recent Welsh Government decision about caving on access land. It was felt likely that this would divide opinions, have high costs (at least £6000 to start with) and could lead to a full judicial review with much higher costs. The proposal and BCA Executive thoughts are included in this document for Council consideration.

Council input, but not necessarily approval, is desirable on some suggested constitutional amendments to put to the 2020 AGM (which may be rescheduled).

This document should be read by all BCA Council. The Welsh Government agenda item may be voted upon (by voting members only) by email to secretary@british-caving.org.uk by 7pm on Thursday 2nd April 2020, and a reply to support this from 15 voting positions will be needed to progress.

Any further questions should be addressed to me (secretary@british-caving.org.uk) and I will escalate matters by email to BCA Executive or full BCA Council as appropriate.

Matt Ewles, BCA Secretary

- (1) Apologies for absence and verification of a quorum - **Not applicable**
- (2) Declaration of items to be covered under Any Other Business - **Not applicable**
- (3) Appointment of any new members - **At present time no new membership applications have been put forward for Council consideration. If our Membership Administrator identifies any applicants requiring BCA Council attention this may be dealt with by email.**
- (4) Acceptance of minutes from the January Council Meeting (draft available on BCA website). **This is considered non-urgent so will be postponed until the next face-to-face meeting. Minor amendment from Tony Radmall acknowledged.**
- (5) Action items from January Council meeting:

Responsibility	Action
ME	<p>Review manual of operations and produce some suggested content to clarify whether lapsed members need to be voted upon for reappointment.</p> <p>Wording on Club Membership in Manual of Operations updated to: Clubs join annually and pay a membership fee. Up to date details on the process, fees and requirements for club membership must be maintained on the BCA public website. The Club membership process is handled by the Membership Administrator. Clubs applying for first-time BCA membership must be put before any National Council Meeting as the next item of business following apologies and establishment of a quorum and accepted or rejected by a simple majority of those eligible to vote.</p> <p>The BCA Membership Administrator should ensure any prospective new members are checked for eligibility and put on the next BCA Council agenda (contact the Secretary) or included in the Membership Administrator report along with any supporting documents.</p> <p>Clubs who have allowed their BCA membership to lapse by three years or less may renew their membership without Council approval, at the discretion of the Membership Administrator who may wish to check their eligibility has not changed. A club who have allowed their membership to lapse by more than three years should be processed as a new (first-time) member.</p>
CR (and C&A)	<p>Discuss the CRoW Working Group; Can it be scrapped and brought into C&A? Update anticipated in C&A report or minutes of 12-Mar-2020 C&A meeting.</p>
JA	<p>Follow up with Descent and update April Council meeting on decided or proposed way forward regarding current advertising. Update anticipated in P&I Report.</p>
JA	<p>Speak to PR to link between BCA and GPF websites/social media. Update anticipated in P&I Report.</p>
CB	<p>Grievance procedure and disciplinary policy to be reviewed (carried over). Update anticipated in Safeguarding Report, or item to be carried over.</p>

ME/RN	Look into if/where the £500 events fund is advertised and consider improving/promoting this. No progress; to be carried over.
HJ/JA	Arrange payment to CaveFestUK; JA work with CaveFestUK to publicise support. Paid in January
JA	Look into whether better social media integration is possible between BCA and library. Update anticipated in P&I Report.
WW	Contact TA to discuss BCA age demographics and to take forward action item from October BCA Council meeting. Update hopefully in Membership Administrator report.
BM/HJ	BM contact HJ to provide details of who to make payment to and HJ to arrange payment for rope test equipment. Nobody has contacted HJ to arrange this.
GT/HJ	GT provide details for payment and HJ arrange funding of £1000 for radiation protection expect to interpret data. Paid in January.
GD	Put together suggestions for way forward with BCA IT systems for April Council meeting. Defer to later occasion.
ME/GD	Make Associate Membership wording live on BCA website. DONE.
ME	Present constitutional changes to April meeting to amend deadline for agenda items and nominations for posts. Currently this is the Council meeting before the AGM but should be amended to a fixed time period beforehand now that meeting beforehand is February. DONE; see dedicated agenda item on constitutional changes.
ME	Remove current Council meeting date for January 2021 and replace with February 13 th date instead. DONE
ME	Update manual of operations online with changes accepted at January meeting. DONE
ME/GD	Format Regional Council funding document accepted at January meeting in new BCA branding and GD upload to website. DONE
HJ	Continue discussions with BCRA regarding funding and report to April Council meeting. At present, BCRA have not yet discussed or provided a response to proposals provided by HJ in November 2019. The ball is in BCRA court to provide feedback on these. No progress.
RN/Exec	RN/BCA Executive discuss criteria for Adventure Academy funding offline (DONE), RN to provide payment details to HJ, and HJ to arrange payment subject to criteria being agreed. No payment details provided yet.

(6) Reports – BCA Council are encouraged to submit reports regardless of meeting cancellation (by 28th March) and these will be published to help keep everyone informed of current activities

Executive reports:

- 6.1 Chair (Les Williams)
- 6.2 Secretary (Matt Ewles)
- 6.3 Treasurer (Howard Jones)

Insurance and Membership:

- 6.4 Membership Administrator (Wendy Williams)
- 6.5 Insurance Manager (Howard Jones)

Conservation and Access:

- 6.6 Conservation and Access Officer (Claire Ross)
- 6.7 CRoW Working Party (David Rose)

Publications and Information:

- 6.8 Publications and Information Officer (Jane Allen)
- 6.9 Newsletter Editor (David Rose)
- 6.10 British Caving Library (Jenny Potts)
- 6.11 Media Liaison (Andy Eavis)
- 6.12 Cave Registry (David Cooke)

Information Technology:

- 6.13 Webmaster (Gary Douthwaite)
- 6.14 Web Services (David Cooke)
- 6.15 IT Working Party (Gary Douthwaite)

Training and Qualifications:

- 6.16 Training Officer (Nigel Atkins)
- 6.17 Qualifications Management Committee (Juliet Parker-Smith)

Equipment and Techniques:

- 6.18 Equipment and Techniques Officer (Mark Sims)
- 6.19 Rope Testing (Bob Mehew)

Youth Development and Vision:

- 6.20 Youth and Development Officer (Rostam Namaghi)
- 6.21 Vision Working Party (Hellie Adams)

Safeguarding and Safety:

- 6.22 Safeguarding (Chris Boardman)
- 6.23 Radon Working Party (Gethin Thomas)

Representatives to other bodies:

- 6.24 UIS Representative (Andy Eavis)
- 6.25 FSE Representative (Ged Campion)

(7) Constitutional changes for 2020 AGM (or whenever next General Meeting occurs) – Matt Ewles

I suggest the following constitutional changes could be put to the AGM, and would like to get Council thoughts on these. These are intended to modernise and simplify the constitution.

Please email secretary@british-caving.org.uk by Thursday 2nd April 7pm with your thoughts on these; would you support them? Suggest any amendments? As most of these are non-essential, my decision to put them forward to the next General Meeting will depend on the opinions provided and whether there appears to be any appetite for these changes.

Aims (Section 3): Suggested total rewrite to the following (feedback appreciated)

- 3.1. To represent and act as a national spokesperson and point of contact for caving in the United Kingdom.
- 3.2. To disseminate relevant information to cavers nationally.
- 3.3. To provide a membership system and associated democratic platform for caving matters of national significance.
- 3.4. To remain responsive to the needs and wishes of our Members.
- 3.5. To support or implement appropriate initiatives involving but not limited to cave conservation, access, science, training, equipment and welfare.
- 3.6. To encourage responsible participation in caving, emphasising that this must go together with conservation and education to ensure a sustainable future.

Guiding Principles (Section 4): Suggested total rewrite to the following (feedback appreciated)

- 4.1. Caving enables participation in outdoor pursuits and thus promotes a healthy lifestyle with accompanying social and mental enrichment for many participants. Responsible caving should therefore be promoted and caves made as accessible as possible.
- 4.2. Caving should be embraced as a multi-faceted activity spanning exploration, science, technology, sport, and conservation, all of which are valued and inextricably connected.
- 4.3. The Association should foster a culture of respect with a zero-tolerance attitude to discrimination including on grounds of race, gender, age, sexual orientation, creed, colour, occupation, religion or political opinion.

Removal of Honorary Membership; Serves no purpose and so no longer required

- 5.1d: Remove honorary membership (and update 'e' to remove mention of 'd')
- 5.6: Remove
- 6.15: Remove
- 8.12: Remove (a) as without honorary membership, there are no other memberships which are considered by an Annual General Meeting.

General Meetings section (section 8); Amendment to notice period to reflect changes to Council meeting dates (replacing January/April meeting with one in February).

8.4: Amend to “Notice of any matters to be raised at an General Meeting of the Association, including all proposals for constitutional change, must reach the Secretary no later than midnight eight weeks prior to the date of the General Meeting”.

Note; the above change is essential housekeeping owing to change of Council dates.

Finance (section 9) (Housekeeping changes suggested by Howard Jones):

9.6; Amend from three to two signatories (suggested by Howard Jones)

9.7; amend to (changes in red/underlined): Housekeeping changes

The accounts of the Association shall be made up annually to 31st December and shall be **independantly examined and** certified by a suitably qualified person. Ideally a certified set of accounts shall be presented to the Annual General Meeting following the year end. If this is not possible draft accounts shall be presented. In such a case, certified accounts shall be presented to a subsequent meeting of the National Council together with a list identifying changes of greater than **£100** between the draft and certified accounts. The certified accounts shall be published, as well as, if produced, the draft accounts and the list of items identifying changes. The suitably qualified person shall be **approved** by the Annual General Meeting. In the case of a casual vacancy, the National Council shall have the power to appoint a suitably qualified person. Such a person so appointed shall remain in office until the next Annual General Meeting of the Association and shall be eligible for reappointment.

Limitations section (section 10): Logo usage

10.5: Delete. This is outdated and unnecessarily restrictive. Suggest that the Manual of Operations can include a second on logo usage to better reflect current practice and to empower Council Officers to use appropriate judgement. This does not need to be a constitutional matter.

Interpretation section (section 12): Removal of unnecessary wording

12.3: Delete... this kind of wording has no place in a constitution.

12.4: Delete... this kind of wording has no place in a constitution.

(8) Proposal: That BCA take over the Newtocaving website from Tim & Jane Allen.

Due to meeting cancellation, this proposal was discussed and accepted by the BCA Executive on behalf of BCA Council subject to a list of existing sponsors and contact details being provided to Howard Jones for consideration of continuing their sponsorship of the site. BCA Webmaster is aware. The full proposal is presented below for Council information.

Proposed: Tim Allen

Seconded: Matt Ewles

www.newtocaving.com & www.newtocaving.co.uk

The site is modern, fresh, mobile friendly, with a content management system that is simple to use. It is aimed at anyone who has an interest in trying out caving by giving them basic information and directing them to appropriate routes to try out the activity. The site appears simple yet it is quite sophisticated in listing groups and has proved popular with clubs and instructors. Many clubs and organisations have established links to the site.

The site responds well to caving events in the media. It took 700 hits a day during the Thai rescue and 200 a day when we took the BBC Breakfast presenter caving. There is a noticeable rise during fresher season but on normal days it bobbles along at 10-20 hits a day.

We designed the site in 2017 using professional developers and our own money. We felt there was an urgent need for such a site as the BCA's own site, Trycaving, was defunct and BCA had been unable to find the resources for a replacement. Newtocaving is no stranger at council where it has been effectively adopted as its own novice landing page.

We paid the designer/developer, Torstudio at Matlock, £3120. This does not include hosting fees or support over the last three years, nor all the voluntary effort from ourselves working with the designer, travelling to Matlock, preparing the content and managing the clubs, groups, and instructors. We have recovered a portion of the original design cost by charging a small fee for professionals to be listed, and similarly to a few advertisers. We ask BCA for £500 towards balancing the original outlay for design costs but happy to have supported the site both financially and with considerable effort for everything else.

BCA is the natural home for a site like Newtocaving and we feel now is the right time for BCA to take over. We have managed the site for three years and tried to recoup some of our money back by charging a small listing fee. We have not charged anyone since August last year. As BCA is supporting the site and has funded newtocaving leaflets and this makes it uncomfortable for us to continue with these charges.

It may surprise some to know that the full professional development of a site like this would be north of £5000. We are lucky that we have some skilled individuals in caving who are prepared to give their time to developing web sites for free (BCA, CNCC, Hidden Earth, etc), but relying on good will does not always bring the results when they are needed. A BCA landing site designed for novices was such a case.

(9) Production of more Weils Disease cards

Due to meeting cancellation, this proposal was discussed and accepted by the BCA Executive on behalf of BCA Council. Les Williams will examine content (some contact details have changed) and Matt Ewles will research number required. The BCA Executive felt that printing these on a year-by-year basis as required was better than a five-year supply at once due to risks of the information becoming obsolete. Anticipated costs 20p/card so even if 500 are printed, cost is only £100. The full proposal is presented below for Council information.

Proposed: Jenny Potts

Seconded: Idris Williams

I propose that a limited number of revised BCA Weil's Disease Cards be produced as cheaply as possible - sufficient to last for 5 years - and sent to those Groups which have a need for them.

I have checked and identified the need for more of the BCA Weil's Disease cards for some of our members, who use them for young cavers who may be at risk but would not normally think to look at the BCA website. In particular, the BCA Training Administrator expects to send a card out with each new LCMLA registration (so around 200 per year); the Scouts hand them out to young people on their 2nd. Caving trip - not sure how many they would need. I think some regional councils, the cavers in whose areas have been affected by this in the past (DCA, CSCC are those I know of) might want to take a few.

The wording on the cards needs to be checked and if necessary revised and contact details given for the BCA website (where we would expect some more detailed information to be available) and also the web address of the centre where testing can be done. In time it could be possible to have on the BCA website a downloadable phone app. giving information for cavers.

I would consider this a service which BCA could provide for its members and others at very little cost - in particular because the disease has the potential to be fatal if not recognised and treated in time.

Jenny Potts (Acting Individual Member rep.)

(10) The Welsh Government's decision to drop caving from its access reform programme which is intended to widen the scope of the CROW Act in Wales; Proposal from C&A Committee

The C&A Committee meeting on 12th March passed the following motion concerning the recent Welsh Government (WG) decision to exclude caving from its access reform programme:

"C&A recommend to the BCA exec (bearing in mind the timescale implications of this issue) that ahead of the April council meeting, in line with BCA policy on CRoW, that BCA fund taking the WG case to the PAP stage [of a Judicial Review] including seeking counsel opinion, and that Claire [Ross], David [Rose] and Stuart [France] take the lead on behalf of C&A."

The cost of getting a PAP (pre-action protocol) letter out and counsel's opinion on the case is estimated at £6000 including VAT. Sending a PAP letter to the WG does not commit BCA to do or spend any more. But it starts the clock ticking for the WG to reply to us and provide their defence in writing. It also gives us access to any of their documents that we want which are related to our case, like govt emails and reports, under the legal 'discovery' procedure.

If we don't accept their defence and our case looks good according to our counsel then the next stage (more money) is to apply to the High Court for permission to bring a Judicial Review. There is a procedural hearing and the judge says yes or no there. If we get a yes, and we still want to do it, we file the case papers. The full court hearing will then take place at a later date (more money). The attached briefing document I sent around C&A explains more **(circulated separately)**.

BCA Executive discussed this on 18th March and concluded that the decision to proceed with this PAP was not something that they could unilaterally take as it is likely to divide opinions, be high cost, and could lead to further action (Judicial Review) at even higher cost. Furthermore, the possible impacts of progressing this course of action could be significant.

BCA Executive noted that the estimated £6000 could rise, and that agreement to this course of action would need a quotation, and for one of the leads to take responsibility for ensuring that this is not exceeded to avoid further money being required later to complete this action.

BCA Executive also felt that the potential follow-up costs of a court case (likely ~£40-£50k) should be remembered. There is no point any Council member giving support to this initial proposal for £6k if the subsequent potential followup actions or costs would be unacceptable regardless.

BCA Executive would therefore like to ask the voting members of BCA Council to review this proposal and the supporting document and to email secretary@british-caving.org.uk no later than 7pm on Thursday 2nd April 2020 (two weeks from the date this document was circulated) with a statement of whether you support progressing to a PAP at a cost of approximately £6000.

This will only progress if 15 voting members reply by email with positive support (which would ensure at least 50% total majority of all BCA Council voting positions).