

Constitutional Amendments and Proposals to be put to the AGM June 2017

Chairman's Introduction

I am looking forward to the BCA weekend, which if, is anything like the last one held in Castleton in June 2013 will be a very enjoyable weekend; low priced beer, good food and lots of partying with many other cavers has to be good.

The AGM on Sunday 11th June promises to be a very important and interesting affair. There are a number of interesting issues on the agenda including a number of proposed changes to the constitution. These will in fact be the first substantial changes since the BCA constitution was originally drafted. It is very important that people remember what BCA stands for. There are a significant number of BCA personnel on the council who do an enormous amount of unpaid voluntary work on behalf of British cavers. The constitutional changes are designed to help the membership in a number of ways, such as improved access to caves and streamlining the democratic processes. It is recognised that the existing system is not perfect and these constitutional changes are a step towards improving it. As Chairman, I will do all I can to try and improve the performance of the British Caving Association. I would be very grateful if all our members can keep in mind what is best for British caving in general.

Andy Eavis
Chairman BCA
May 2017

Constitutional Amendments and Proposals

Proposal

“That a working party called “the BCA Qualifications Management Committee” be established to develop the BCA training awards and the current Training Committee be henceforth solely responsible for recreational training”.

Proposed by Nick Williams, seconded by TBC.

Procedural Motions:

There are two procedural problems likely to be faced that the 2017 AGM, one relating to the desire to not have to hold a postal ballot unless absolutely necessary and the other on a variety of motions on a sub section. (Eg sub-section 4.6.)

Need for a postal ballot

Note - The simplest way around the desire to not have to hold a postal ballot unless absolutely necessary is to take the sub section 4.6 and the proxy vote motions first and if both fail, then for the proposer(s) of the other constitutional change motions to withdraw them.

The (an) alternative approach is a complex procedural double motion. The first part is to take a procedural motion to make the debates and votes on the proposed changes subject to a second procedural motion. The intent of the first procedural motion is to make the actual constitutional change motions not complete without the subsequent procedural

motion. Otherwise if any one constitutional change motion was passed, then it automatically is required to be put to a postal ballot. My suggestion for this motion is as follows (and apologies for its complexity):

Procedural Motion No 1.

“That this meeting agrees that each debate and vote on each proposed motion (including any amendments) to change a feature of the constitution will also require a subsequent motion confirming that the agreed changes are of sufficient value to warrant the cost of a postal ballot. And that it notes each such motion will be subject to the constitutional requirement that a proposed constitutional amendment shall be taken as succeeding if a 70% majority of votes cast for the motion is obtained in each House, otherwise the motion shall fail. And that it agrees that the said subsequent motion only requires a simple majority in both Houses to pass so that for those successful motions to be taken as motions passed by this General Meeting as motions to change the constitution”.

Proposed by Bob Mehew, Seconded by

The second part is a procedural motion following completion of debates on each of the proposed changes to the constitution:

“That this meeting confirms the successful motions to change features of the constitution are of sufficient value to warrant the cost of a postal ballot and hence are to be taken as motions passed by this General Meeting as motions to change the constitution and that the Executive is instructed to proceed to take those said successful motions to a postal ballot”.

Proposed by Bob Mehew, Seconded by

Procedural Motion No 2.

The second procedural motion arises to address the problem that may arise when there are several alternative motions on an item. (Eg as in proposals addressed at the first sentence in sub section 4.6. where there are three possible outcomes, a motion leaving it as it is because no change is required, or a motion deleting the sentence, or a motion (or several motions with differing detail) amending the sentence. The problem that the meeting could face is that even if one motion is successful, a proposer of a subsequent motion may still insist on debating their motion. It is proposed that the meeting first debates the merits of each motion and then votes on which order to take the motions in. That is done with the understanding that the first successful motion means all subsequent motions become void. In order to ensure this clearly understood and accepted by the meeting it is proposed that the following procedural motion be taken before the start of considering the motions dealing with a sub section/change (Eg as with sub section 4.6):

“That this meeting agrees to debate the motions related to not needing to do anything to, deleting or changing the first sentence of sub section 4.6 in order to ensure the merits and negative aspects of each motion are understood by the meeting and then followed by a series of debates when each motion is considered until one is successful. And that the order for taking those motions is set by the random draw of slips of paper from a container where each slip of paper contains an abbreviated version the motion. And that the meeting recognises that a motion leaving the sentence as it is only requires a simple majority in each house whilst any motion changing the words in the constitution will require a 70% majority in each house.”

If the will of the meeting is that an alternative method of deciding the order of taking motions is preferred then I will be prepared to listen and accept an amendment at the General Meeting.

Proposed by Bob Mehew, Seconded by TBC.

Proposal to the AGM on the interpretation of the first sentence of section 4.6

“That this general meeting confirms there is no impediment in the constitution to prevent the BCA campaigning for the Countryside and Rights of Way Act to apply to caving”

Proposed by Tim Allen. Seconded by DCA.

Constitution Item 4.6 (Current)

“That the owners and tenants of property containing caves have the right to grant or withhold access. Where caving bodies have control of access delegated to them by the owners, such access should be obtained and granted as freely as possibly for all responsible cavers. Within the terms of those agreements. When obliged to make new agreements, the appropriate body should endeavour to be sure that this freedom is maintained or improved.”

Proposed Amendments:

- a) The first line of item 4.6 that reads “That the owners and tenants of property containing caves have the right to grant or withhold access”. Be deleted and replaced with **“That the legal right to control access to and within the cave held by a holder of that right shall be respected”**.
Proposed by Bob Mehew, Seconded by BCA Executive.
- b) **“This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed.”** (See note 1 at end of document)
Proposed by Tim Allen, Seconded by DCA.
- c) **“This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed. (For clarity this means that the sentence should be removed and not replaced by a similar sentence such as (a) or (b) of Proposal 1 as presented to the BCA council meeting on 25th March 2017. In fact, if this motion is supported then no further amendments should be made to section 4.6 of the BCA constitution at this General Meeting)”**
Proposed by Tim Allen, Seconded by TBC.

Note - In addition to these proposals, it is suggested that a new sub-section be added to section 13 which will be 13.5.

Section 13 Interpretation:

It is proposed that a new sub-section be added to section 13 which will be 13.5.

- a) **“Notwithstanding any limitations perceived or otherwise (contained within the constitution) related to a current piece of legislation, that limitation does not preclude the British Caving Association from campaigning to**

change that piece of legislation, subject to agreement having been obtained from the National Council of the BCA”.

Proposed by Bob Mehew, Seconded by

Proposal to change Constitution item 5.1 b

The current version of the BCA Constitution states: “Constitutionally established caving, mining and other related Clubs together with constitutionally established National Bodies, constitutionally established Regional Caving Councils, Cave Rescue Organisations and Access Controlling Bodies, hereinafter known as Group Members”.

The proposed change is:

“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”.

Proposed and seconded by BCA Executive.

Proposal to change Constitution item 6.1

The current version of the BCA Constitution states: “The Association shall have the following officers: a Council Chairman, Secretary, Treasurer together with Chairman of the Standing Committee (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. Each office shall serve for a term of three years from the AGM. One third of Officers’ posts in turn shall be eligible for election or a re-election each year and those elected shall service for a term of three years from the AGM”.

The proposed change is:

“The Association shall have the following officers: a Council Chairman, Secretary, Treasurer together with the Chairmen of the Standing Committee (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 sub section 8.9 will not apply. Each officer shall serve for a term of three years from the AGM. One third of Officer’s 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”.

Proposed and seconded by BCA Executive

Proposal to change Constitution item 6.3

The current version of the BCA Constitution states: “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. Each representative shall serve for a term of two years from the AGM”.

The proposed change is:

“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 sub section 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 sub section 8.9 will not apply”.

Proposed and seconded by BCA Executive.

Proposal to change Constitution item 6.15

The current version of the BCA Constitution states: “The Association may have an Honorary President. Candidates for the post of President shall be proposed by National Council and elected at an Annual General Meeting by a show of hands of those present who are eligible to vote. The President need not be a member of the Association, but on election, will become an honorary member of the Association for the period of tenure of the post. The post of President shall run for a period of one year from the Annual General Meeting. The President shall be an ex-officio a member of National Council, all standing Committees and any Working Group set up by Council, but will have no vote at any meeting. The President may resign at any time by writing to the Secretary of the Association”.

The proposed change is:

“In sub section 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”.

Proposed and seconded by BCA Executive.

Constitution item 8.16

There are three alternative proposals relating to proxy voting.

“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 before the relevant meeting for any General 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. The maximum number of voters may be represented by each individual nominee is two. Proxy voting is not available to Group Members”

Proposed and Seconded by BCA Executive.

“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 prior to a General Meeting, excepting an Emergency General Meeting where 48 hours notice will suffice. 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 not hold any proxy votes at all”

Proposed by Dave Tyson, Seconded by.....

“In the interests of simplification of the Constitution and procedures at General Meetings, all references to proxy voting should be removed from the Association’s Constitution”.

Proposed by Nick Williams, Seconded by

Proposal to change Constitution item 9.1

The current version of the BCA Constitution states: “A constitutional amendment adopted by a General Meeting will require ratification by a postal ballot”.

The proposed change is:

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

Proposed and seconded by BCA Executive

Proposal to change Constitution item 9.2

The current version of the BCA Constitution states: “The General Meeting may refer any other successful motion that it deems appropriate, for ratification by a postal 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 postal ballot shall be held as soon as is reasonably practicable after the General Meeting. The postal ballot shall be issued to all members entitled to vote. Thirty days shall be given from the dispatch of the papers to the closing date for receipt of returns. The counting of the votes shall be conducted as for a General Meeting”.

The proposed change is:

“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 with whom BCA may legitimately communicate by e-mail or any other appropriate means. National Council shall ensure sufficient time is given from the dispatch of the information before 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”.

Proposed and seconded by BCA Executive

Note 1 (Relating to Section 4.6 of current BCA Constitution)

Section 4.6 of the constitution states: *“That the owners and tenants of property containing caves have the right to grant or withhold access. Where caving bodies have control of access delegated to them by the owners, such access should be obtained and granted as freely as possible for all responsible cavers, within the terms of those agreements. When obliged to make new agreements, the appropriate body should endeavour to ensure that this freedom is maintained or improved.”*

The first sentence of this section has been cited as a barrier to BCA running a campaign to recognise that caving falls within the scope of the CRow Act. This, together with proposed amendments which suggest BCA must ‘respect any rights held’, has highlighted a deeper problem with this part of the BCA constitution. This type of wording can be manipulated to prevent the BCA pursuing its own interests or carrying out the will of its members. BCA must have free will to campaign or protest as it sees fit. Landowners are well represented by powerful organisations and lobbyists, they do not need more help from cavers. To ensure that the BCA can represent cavers I propose the following;

“This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed.”

Notwithstanding the outcome of the first motion I propose a second motion for absolute clarity.

“This general meeting confirms that there is no impediment in the constitution to prevent the BCA campaigning for the Countryside and Rights of Way Act to apply to caving.”

Proposed; T Allen. Seconded; DCA