

Appendix 9

Item 26.2 These amendments will see

(A) Removal of the two-house voting system (and the group vote) at General Meetings.

(B) Replacement of this with online voting for all individual (CIM and DIM) members.

In a system where all individual members can easily vote on important matters without having to attend a physical meeting, I believe there would be no need for group voting in addition to individual voting; this is simply duplication of representation.

Group voting currently gives the same weight to a vote from a club with 5 members as it does to a group/club with 200 members or even a Regional Council which might represent 1000+ cavers. Furthermore, it is unclear exactly how representative a group vote is of their members' wishes. Some clubs may choose to discuss BCA matters with their members (this is great!) and then vote in accordance with the majority, but many will not, thus raising the question of whether a group vote is really indicative of the feeling of the members of that group, or just the feeling of the smaller number of people in that group. This duplicates representation for those involved in running the groups.

It is more appropriate that rather than voting themselves, groups should lobby their members to vote individually if there is something that they feel strongly about. This might even encourage groups to talk with their members about the BCA more often.

Finally, removal of group voting makes online voting a much simpler system to establish and removes a level of complexity from the process; and I passionately believe that if BCA is to remain a volunteer-led organisation it needs to be simplified.

Please be assured that I hold no grudges against clubs/groups; I am a club caver; I always have been and probably always will be. I am involved in three separate clubs (and am a founder of one of them). Therefore, I am passionate about clubs and what they give to British caving; I just feel club voting for the BCA is not the future.

The means of online voting is outlined in the constitutional amendment; i.e. a 30-day poll opened as soon as possible after a General Meeting. This will ideally be done using our own in-house system, similar to (and potentially an evolution of) BCA online. It will be designed to be simple and intuitive, and using the individual's BCA number for login and requiring an email address for registration. It is expected that, subject to proposal 25.3 being accepted and Gary appointed webmaster, an online voting system can be established ready for use in the 2020 Annual General Meeting. There would be no postal equivalent.

These constitutional changes should be voted upon on-bloc (i.e. all together at once). Note that I have included commentary in the constitution changes to help explain the rationale.

Matt Ewles

Constitutional amendments consequent upon proposal 26.2

THE CONSTITUTION OF THE BRITISH CAVING ASSOCIATION

Changes proposed by Matt Ewles and seconded by Gary Douthwaite for the 9th June 2019 AGM

Deleted sections shown in black with ~~striketrough~~

Added sections shown in red and italics

1. NAME: No changes

2. DEFINITIONS: No changes

3. AIMS: No changes

4. GUIDING PRINCIPLES: No changes

5. MEMBERSHIP:

5.1. The Association shall have the following classes of membership:

a) Individual Members,

b) 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,

c) Outdoor Activity Providers, Businesses and other groups which have an interest in caving, hereinafter known as Associate Members,

d) Honorary Members.

e) Membership classes a), b) and d) are Full Members.

5.2. Applications for the class of Individual Membership shall:

a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership, and

b) be considered by a duly delegated person or persons appointed by the National Council for acceptance.

5.3. Applications for the class of Group Membership shall:

a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership and a copy of the constitution of the applicant, and

~~b) be put before any National Council or General Meeting as the next item of business following apologies and establishment of quorum, and accepted or rejected by National Council or any General Meeting by a simple vote of those eligible to vote at that meeting. Here the two house voting system outlined in sub section 8.9 will not apply.~~

b) 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.

5.4. Applications for the class of Associate Membership shall:

Comment [ME1]: Revised to switch membership applications to Council meetings only (not General meetings) to remove the current inconsistency that exists.

a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership, and

~~b) be put before any National Council or General Meeting as the next item of business following apologies and establishment of quorum, and accepted or rejected by National Council or any General Meeting by a simple vote of those eligible to vote at that meeting. Here the two house voting system outlined in sub section 8.9 will not apply.~~

b) 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.

Comment [ME2]: Same comment

5.5. Any person or organisation that has been refused membership shall have the right to appeal to the following Annual General Meeting in person or by representation, and that appeal shall be heard following those items of business noted in Sub Sections 5.3 b) and 5.4.b) above.

~~5.6. Candidates for Honorary Membership may only be proposed by the National Council for election by simple majority vote at a General Meeting. Here the two house voting system outlined in sub section 8.9 will not apply. Honorary membership may only be conferred on individuals and Honorary Membership will entitle the individual to the same benefits of the Association as those given to the class of Individual Membership.~~

5.6. Candidates for Honorary Membership may only be proposed by the National Council for election by simple show of hands of individual members eligible to vote at a General Meeting. Honorary membership may only be conferred on individuals and Honorary Membership will entitle the individual to the same benefits of the Association as those given to the class of Individual Membership.

Comment [ME3]: Amended to reflect only individual members voting at General Meetings.

6. OFFICERS OF THE ASSOCIATION, NATIONAL COUNCIL, EXECUTIVE COMMITTEE AND PRESIDENT:

~~6.1. The Association shall have the following officers: a Council Chairman, Secretary, Treasurer together with 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 sub section 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.~~

6.1. The Association shall have the following officers: Council Chairman, Secretary, Treasurer together with Chairmen of the Standing Committees (Section 7) who shall be elected from the individual membership of the Association at an Annual General Meeting (AGM). Uncontested candidates will be elected. If there are multiple applicants, they will go forward to an online vote after the AGM. 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.

Comment [ME4]: Amended to reflect the current status quo (i.e. that uncontested candidates are elected with no vote), but to state that any contested elections are put out to an online vote after the AGM. In the (extremely) rare event that this happens, it may be sensible for the Council to decide not to meet until after the vote has finished and the appointment made, but this can be at the discretion of the Council and does not have to be constitutionally locked down.

6.2. The Association shall have a National Council comprised of the Officers of the Association, up to four representatives from the class of Group Members, up to four representatives from the class of Individual Members and one representative from each Regional Caving Council and National Body.

~~6.3. 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. Here the two house voting system outlined in sub section 8.9 will not apply. Each representative shall serve for a term of two years from the AGM.~~

Ps; I am trying to avoid changing anything unrelated to the specific aims of my proposal, so apologies for retaining the terms 'chairman' and 'chairmen' in my rewording... Future constitutional amendments should see such terms updated to 'Chair'.

6.3. Representatives from the classes of Individual and Group Membership shall be elected at an AGM. Uncontested applicants will be elected. Applicants exceeding the number of positions will go forward to an online vote after the AGM. Each representative shall serve for a term of two years from the AGM.

Comment [ME5]: As above

6.4. Representatives from Regional Caving Councils and National Bodies shall be appointed by that Council or that Body.

6.5. The National Council may co-opt persons to fill any vacancies in any posts of officers of the Association, or members of National Council for the remaining period of the post's vacancy.

6.6. The National Council may co-opt non-voting Assistant Officers to assist in its business.

6.7. At a meeting of the National Council, each Member shall have one vote except the Chairman who shall hold only a casting vote.

6.8. In the event of a vote being necessary at National Council, matters shall be resolved by means of a simple majority of those present and eligible to vote.

6.9. The National Council shall have the power to deal with matters concerning the national interests of the Association, within the terms of reference given to it by the Association. It shall be bound by the Aims and by the Constitution of the Association.

6.10. The National Council shall have the power to appoint and terminate Working Groups to conduct specific business as laid down in their terms of reference set by National Council. Working Groups shall conduct the specified business and report back to National Council in writing. The National Council shall present the results of the activities of each Working Group as a report to the Annual General Meeting. The continued operation of each Working Group shall be confirmed at the first National Council meeting following each Annual General Meeting.

6.11. Only the Officers of the Association or persons specifically authorised by National Council or an Officer of the Association, may write on behalf of the Association.

6.12. The National Council shall meet at least twice a year.

6.13. Minutes shall be kept of all National Council meetings of the Association and these shall be made available to members on request.

6.14. The Executive of the Association shall consist of the Council Chairman, Secretary, Treasurer and other Members as may be deemed necessary by the National Council to carry out the administrative business of the Association. The Executive Committee shall operate under the direction of and shall report to the National Council. It shall regulate its own business within the constraints of the Association's "Manual of Operations".

~~6.15. 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. Here the two-house voting system outlined in sub-section 8.9 will not apply. 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.~~

6.15. The Association may have an Honorary President. Candidates for the post of President may only be proposed by the National Council for election by simple show of hands of individual members eligible to vote

at a General Meeting. 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.

Comment [ME6]: Amended to reflect voting by Individual Members only at an AGM.

7. STANDING COMMITTEES: No changes

8. GENERAL MEETINGS OF THE ASSOCIATION:

8.1. All General Meetings shall be arranged to take place at a venue agreed by the National Council.

8.2. The National Council shall nominate a Chairman and Recorder for the General Meeting. The General Meeting may elect a Chairman or Recorder in their absence. Neither the Chairman nor the Recorder shall be entitled to vote.

8.3. The time, date and place of a General Meeting shall be published at least 18 weeks in advance of the meeting.

8.4. Notice of any matters to be raised at a General Meeting of the Association, including all proposals for constitutional change, must reach the Secretary by midnight on the day of the National Council meeting preceding the AGM.

8.5. The Secretary shall ensure that an agenda is prepared and circulated to all Members, not less than 6 weeks before any General Meeting of the Association, to give notice of the time, date and place of the Meeting and the subjects to be discussed.

~~8.6. The quorum for any General Meeting shall be 10 members, of which at least 5 persons eligible to vote in each House shall be present. No one person may represent more than one group member.~~

8.6. The quorum for any General Meeting shall be 10 individual members who are eligible to vote.

~~8.7. Any General Meeting is open to all, though the Chairman shall have the right to exclude any person if the meeting so decides by a vote as laid down in sub-section 8.9.~~

8.7. Any General Meeting is open to all, though the Chairman shall have the right to exclude any person if the meeting so decides by simple show of hands of individual members eligible to vote.

8.8. Minutes shall be kept of all General Meetings of the Association and these shall be made available to members on request.

~~8.9. Any person may speak at a General Meeting, subject to the Chairman's agreement. For the purpose of formal business, in addition to Individual and Honorary Members, each Group Member shall be entitled to send one voting delegate who shall be duly authorised in writing by the Group that they represent. Voting shall be conducted as two "Houses", one for the class of Group Members and the other for the classes of Individual and Honorary members. The Chairman of the General Meeting shall have no casting vote.~~

8.9. Any person may speak at a General Meeting, subject to the Chairman's agreement. All motions arising from a General Meeting must be first voted on by individual members present at the meeting and eligible to vote. All motions with support from at least 25% of those individuals who vote, or 10 individuals (whichever is lowest) must be taken forward to an online vote.

~~8.10. A motion not affecting the Constitution shall be taken as succeeding if a simple majority of votes cast for the motion is obtained in each House, otherwise the motion shall fail.~~

Comment [ME7]: Quorum previously 5 from each house; now 10 from just individuals. This can be reviewed if necessary in a future round of constitutional amendments.

Comment [ME8]: Amended according to Individual Members voting only.

Comment [ME9]: After some consideration this was decided to be the best way forward. Originally, I had imagined that all motions put forward at an AGM must go to an online vote regardless of opinion at the meeting, however, this raised concern that the online vote could get messy with many competing proposals some of which are largely unsupported. This is likely to confuse the membership, and feedback is that it needs to be kept simple. I suggest that motions should achieve a minimum level of support at the meeting first before they can progress to the online vote (10 individuals must support it or 25% of those who vote, whichever is lowest). For any sensible motion, this shouldn't prove a problem even if it is controversial. This does mean that the physical AGM meeting still plays a major part in the democratic process by acting as a 'filter' to knock out unsupported motions or to whittle down multiple competing motions into only the ones with the most support. Of all the people I spoke to about this, everyone had a slightly different opinion on how this might be best working, although all were largely supportive of this final suggestion. It is worth noting that this filter can be revisited in a future round of amendments.

~~8.11. 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.~~

8.10. Online voting by individual members for motions and contested positions arising from General Meetings must be conducted over a period of approximately 30 days. Voting is by simple majority of individual voting members, except for changes to the constitution which require ≥70% in favour.

8.11. There shall be an Annual General Meeting of the Association which shall be held during the month of June each year or as soon as reasonable thereafter.

8.12. The purpose of the Annual General Meeting shall be to:

~~a) consider applications for membership,~~

a) discuss reports and the business of the National Council during the year,

b) elect such officers and Chairmen of Standing Committees as may be required,

c) discuss and confirm matters of policy of the Association and to direct the National Council on such matters,

d) discuss constitutional matters, and deal with any other business which may be included on the Agenda including any matter raised under Any Other Business, provided that the Chairman of the Annual General Meeting shall deem it to be acceptable business.

~~8.14. A Special General Meeting shall be called if requested either by National Council or by the Executive or in writing by not less than twenty members eligible to vote. The Secretary shall ensure that an Agenda is prepared and circulated to all Members, not less than 12 weeks before the date called for. The Agenda of a Special General Meeting shall be constrained to the matter or matters put in the request. The Chairman may accept other related business during the course of the Special General Meeting.~~

8.13. A Special General Meeting shall be called if requested either by National Council or by the Executive or in writing by not less than twenty individual members. The Secretary shall ensure that an Agenda is prepared and circulated to all Members, not less than 12 weeks before the date called for. The Agenda of a Special General Meeting shall be constrained to the matter or matters put in the request. The Chairman may accept other related business during the course of the Special General Meeting.

8.14. An Emergency General Meeting may be called by any two members of the Executive. One member of the Executive shall ensure that an agenda is prepared and circulated to all Members, not less than 2 weeks before the meeting. Only the subject giving rise to the emergency may be discussed.

~~9. PROCEDURE FOR BALLOTS:~~

~~9.1. A constitutional amendment adopted by a General Meeting will require ratification by a ballot.~~

~~9.2. 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.~~

Comment [ME10]: Added to replace previous sections 8.10 and 8.11

Comment [ME11]: Renumbered

Comment [ME12]: Renumbered

Comment [ME13]: This would now be done only at Council meetings to standardise the process and avoid invoking online voting for membership applications

Comment [ME14]: Re-lettered

Comment [ME15]: Re-lettered

Comment [ME16]: Re-lettered

Comment [ME17]: Re-lettered

Comment [ME18]: Renumbered

Comment [ME19]: Added to reflect Individual member voting

Comment [ME20]: Renumbered

Comment [ME21]: Entire section no longer required.

10. FINANCE: No changes

11. LIMITATIONS: No changes

12. DISSOLUTION:

~~12.1. The Association may be dissolved by a Special General Meeting of the Association convened to consider the matter. The counting of the votes shall be conducted as for a General Meeting. The motion shall succeed if the number of votes cast in favour exceeds 75%. Such a Meeting shall:~~

12.1. The Association may be dissolved by a Special General Meeting of the Association convened to consider the matter. A 75% majority vote of all those individual members present and eligible to vote is required to progress a dissolution motion, in which case a plan for dissolution should be discussed and subsequently formalised in writing. This plan should:

a) appoint one or more persons to wind up the Association's affairs including supervision of the discharge of its debts and other liabilities from its assets and who are authorised to recover from these assets reasonable expenses that they may incur,

b) consider the disposal of the assets of the Association and provide direction to the appointed person or persons on the manner of the disposal of remaining assets, having full regard to the aims and objectives of the Association, save that under no circumstance shall the remaining assets be passed to either any person or body which either is at the time of the Special General Meeting, or was within the two years before the Special General Meeting, a member of the Association unless that body is a registered charity nor shall they be passed to a close relative of a person who is so barred or a body of any description which is under the control of a person or close relative of a person so barred, and

c) specify a manner in which a report on the winding up of the Association and the final accounts shall be published.

Once this plan is finalised, it should be ratified by a 75% majority in an online vote of all individual members, which if successful the plan should be implemented.

12.2. The person or persons appointed to wind up the Association shall have regard to its aims and objectives when considering the details of the disposal of any assets.

13. INTERPRETATION: No Changes

Comment [ME22]: Amended procedure to reflect no two-house voting system but avoiding the risk of a renegade band of individuals forcing dissolution.