



DERBYSHIRE CAVING ASSOCIATION

Open Council Meeting, 25th. February 2017, Monyash Village Hall

Stated at 12.30pm, after the AGM.

MINUTES

- Present: Officers:**
- Chairman: Wayne Sheldon [WS] (Ind.)
 - Vice-Chairman: Alan Brentnall [AB] (T.S.G. & Ind.)
 - Secretary: Jenny Potts [JP] (Ind.)
 - Conservation Officer: Christine Wilson [CW]
 - Access Officer: Gary Noble [GN]
 - Legal & Insurance Officer: Pete Mellors [PM] (Ind.)
 - Equipment Officer: Bob Dearman [BD] (Ind. & Eldon)
 - N/L Editor/Pubs. Officer: Mike Higgins [MH] (Ind.)
 - Cave Registry Sec.: Phil Wolstenholme [PW] (Ind.)
- Clubs:**
- Eldon P.C.: (Bob Dearman [BD])
 - Masson G. G.: Jim Borrington [JB]
 - Orpheus C. C.: Boyd Potts [BP]
 - P.D.M.H.S.: Adam Russell [AR]
 - T.S.G.: (Alan Brentnall [AB])
- Individual Members:** Alan Brentnall, Bob Dearman, Mike Higgins, Pete Mellors, Jenny Potts, Wayne Sheldon, Phil Wolstenholme

1. Chairman's Welcome:

1.1 WS welcomed members and opened the Council meeting at 12.30pm.

2. Apologies for absence:

2.1 **Apologies received from:** Projects Officer: Pete Knight, Treasurer: Angus Sawyer, Training Officer: Nigel Atkins, Nigel Ball, Elaine Hill, Terry Jackson, Karen Slatcher, David Wall, David Webb.

2.2 **Establish Quorum.** Quorate with 9 Officers present.

3. To Approve Minutes of the previous Council Meeting: (22 October 2016, previously circulated).

3.1 **Correction.** 6.7.1.c 3 bolts thought to be needed in Bateman's shaft.

3.2 **Correction:** 6.7.1.d MH has done the securing bolts for the Hamps lids, but not Manifold.

3.3 *That, with those corrections incorporated, the Minutes be accepted as a correct record.*

Prop. A.Brentnall, Sec. B.Dearman. **Agreed unanimously.**

4. Matters Arising Therefrom: See Actions List.

- 001 **Odin Mine: AR** reported that there had been a lengthy discussion at last UCF meeting; the matter was still with N.T. to decide on risk. He would report to the next UCF meeting on 26 April. **Action: 001**
- 002 **Multiple Use Meter:** See AGM decision, item 6.8.2.1. **AB** would report to the next meeting. **Action: 002**
- 003 **Buy Website Domain Names for SSSI Monitoring:** AS had reported the domain became available on 24th. Feb. and someone has already taken it. No longer necessary to try to claim this as everything is now on DCA site. Need to have another domain name such as "PeakCaveMonitoring" and will need to inform CNCC about the loss of the original domain name. **WS & AS** will deal with this. **Action: 003**
- 004 **Open new Lloyds Bank Account:** **AS** had reported this now in hand with signatures dealt with. **Action: 004**
- 005 **UCF Minutes on Officers section of website, etc.:** **AS** will put new Minutes on as they are done. **CW** will check whether older minutes are available in suitable format. DCA Officers will need a password to access the minutes. **Action: 005**
- 006 **Bolt Installation Progress, re-calibration of Hydrajaws:** BD reported that bolting needed by 22/10/16 has been done. Hydrajaws has been checked against another one. **Action completed.**
- 007 **P-bolts in level behind Batemans Shaft:** No bolts have been put in at present - check whether any are needed as it is thought there are spits in working order. **CW & AB** would check and report to BD. **Action: 007**
- 008 **Bolting Leviathan Pitch - no action suggested:** **Agreed** to BD's recommendation that DCA installed P bolts were not necessary on Alternative Pitch. **Action completed.**
- 009 **Review DCA Fixed Aids Policy:** **JP & BD** would continue to do this, noting that the BCA Equipment Committee was no longer working towards a national policy after they had produced an initial draft. **Action: 009**
- 010 **Manifold Bolts required:** Some rigging bolts were required and Pete Ray will do a list but can't be done till summer when the water level drops. **MH** will liaise with Pete Ray and report to **BD**. OCC installers will be asked to deal with any required. **Action: 010**
- 011 **Suicide Cave problems:** See AGM report, item 6.4.3. **CW** will report back to the next meeting of UCF & DCA Council. **Action: 011**
- 012 **Identify volunteers for SSSI monitoring:** List of sites is on the DCA website and **CW** will check which have not been covered and find people to do these. **Action: 012**

- 013 **Manifold Valley, identify person to liaise with N.T.:** MH had spoken to Rob Thorne & Pete Ray and suggested they informally liaise with NT and let DCA know if there are any problems. **CW** will keep NT informed. **Action closed.**
- 014 **Devonshire Shafts in the wood, capping:** See AGM Minutes, Item 6.6.2. **Action: 014**
- 015 **Eldon Hole Ground Anchors needed:** BD had approached Dan Hibberts about drilling a 32mm hole to install an anchor to be resined in. Compressor can't be got to the site until the ground is solid. **BD** will liaise with DH and, if necessary, DCA can fund the work. **Action: 015**

CW left the meeting at this point.

- 016 **Derby Lane Traffic Restriction Order - progress:** PM explained the position. TRO has now been applied from 16 Feb. Peak District National Park Authority (NPA) is dealing with individual cavers at present to issue permits. Noted that the car registration no. is no longer needed for permit. Access is permissible without permit as far as Summerhill Farm but the lane is narrow and access to the farm could be blocked if cars were parked along this stretch. Suggested that DCA (or a club) could deal with applications for permits on behalf of NPA; **PM** would ask if DCA can negotiate to run the permit system, issuing permits to display inside a car windscreen. This would need a dated permit for specific trips by outside visitors but an annual permit for those on working trips or leader trips to new extensions. Suggested that **GN**, as Access Officer, could administer this on behalf of DCA.. **Action: 016**

AR left the meeting at this point.

- 017 **Hazelbadge Cave progress on access:** CW had reported this was ongoing but no progress so far. **Action: 017**
- 018 **Holme Chert Mine entrance 1 re-opening progress:** PM reported this was ongoing but no progress so far. **Action: 018**
- 019 **Christmas Pot & Snelslow access progress:** CW, PM & GN had reported ongoing but no progress so far. **Action: 019**

5. Matters of Immediate Import Arising from the 2017 AGM:

- 5.1 **BCA Constitutional Amendments:** (*Written documents tabled: Draft of BCA Council's possible Constitutional changes to be considered on 25/3/17; Alternative BCA Constitutional Amendment proposals by Tim Allan.*)
- 5.1.a The meeting considered both sets of proposals and were content with most of them as clarifying existing sections of the Constitution. However, there was specific discussion on the proposals 1, 2 and 7 of the BCA Council draft and also the alternatives to BCA Council Proposal 1 proposed by Tim Allan.
- 5.1.b **Re. sub-section 4.6 of BCA Constitution - BCA Council Proposal 1 and TA's alternative proposal:**
BCA Council Proposal: JP pointed out that the first sentence of 4.6 was factually incorrect as part of the British Caving Association's constitution since there was free access to caves on CRoW land in Scotland, where the law was different to England and Wales. BCA Council's proposed amendment was felt to muddy the waters further by referring to mineral rights since there were other rights which could impact on access over land, e.g. grazing rights, etc. Bob Mehew (who is also BCA's Legal & Insurance Officer), had set out detailed objections to the wording used which he felt had the potential to create further difficulties in interpretation.
Tim Allen's alternative proposal: This was to remove the first sentence of 4.6 altogether and TA had made an additional proposal confirming the right of BCA to campaign for the CRoW Act to apply to caving.
The meeting felt that it would be better to take out the first sentence of 4.6 altogether and DCA would support his 2nd. proposal.
That DCA would support Tim Allen's proposals in preference to BCA Council's proposals.
Prop. J.Potts, Sec. P.Mellors. **Agreed unanimously.**
- 5.1.c **BCA Council Proposal 2.** After a very brief discussion it was **agreed unanimously.**
That DCA members do not support proxy voting.
- 5.1.d **BCA Council Proposal 7.** DCA members **agreed unanimously** that a ballot of members should not require specifically "postal" voting and that electronic voting is to be welcomed, given appropriate safeguards.
JP pointed out that in the past NCA and BCA had used postal voting but had not involved the Electoral Reform Society because of the additional expense involved. Instead, voting returns had been posted to the Auditor and kept by him, secure and unopened, till the end of the voting period, when the Executive, acting together, had opened and counted the ballot papers. This had been considered a sufficiently secure procedure and could possibly be used again, if need be, until the constitution was changed to allow electronic voting.
- 5.1.e **Other BCA Council proposals.** There was general agreement that, insofar as they clarified existing sections of the BCA Constitution, DCA was in favour of them.

6. Any Other Business

- 6.1 None.

The meeting ended at 1.43pm.

J.E.Potts, Recorder

Appended to these minutes and forming part of them are the documents referred to in Item 5:

- Draft of BCA Council's possible Constitutional changes to be considered on 25/3/17;
- Alternative BCA Constitutional Amendment proposals by Tim Allan.

DCA Council Meeting 25 Feb. 2017, Item 5.1:

BCA Constitutional Amendments

Draft of BCA Council's possible Constitutional changes to be considered on 25/3/17

Proposal 1

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

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

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

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

Proposal 2

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

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

Proposal 3

clause 5.1.b to read

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

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

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

Proposal 4

Clause 6.1 to read

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

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

Proposal 5

Clause 6.3 to read

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

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

Proposal 6

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

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

Proposal 7

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

Clause 9.1 be amended to read

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

Clause 9.2 be amended to read

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

In Clause 13.3 the word "postal" be deleted.

Purpose: To avoid the costs associated with a postal ballot

Alternative BCA Constitutional Amendment proposals by Tim Allan

Two motions for the BCA AGM on 11th June 2017

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 endeavor 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; TBC