

MOUNTAINEERING COUNCIL OF SCOTLAND

MINUTES of the ANNUAL GENERAL MEETING held at GLENMORE LODGE on SATURDAY, 19th JUNE, 2004.

Present

Those attending recorded their presence on a list as they entered. The names recorded were:

John Allen, Individual Member; Fred Belcher, Cairngorm Club; Jim Bryce, Cairngorm Club; Craig Burness, Individual Member; Irvine Butterfield, Individual Member; Karen Campbell, Perth Mountaineering Club; Fiona Clarke, Highland HWC; Andy Cloquet, Ochils MC; Nick Colton, BMC; Anna Cuthbert, JMCS Edinburgh; Neil Cuthbert, JMCS Edinburgh; Mike Dales, MCoFS; Dougie Dillon, Glasgow University MC; Stuart Doig, Individual Member; John Donohoe, Glasgow Glenmore Club; Marie Donohoe, Glenmore Glasgow; Derek Edge, Individual Member; Suzie Edge, Individual; Mark Evans, JMCS Glasgow & AMI; Morna Forrester, Aberdeen Mountaineering Club; Rachel Gallagher, Family Member; Andy Gallagher, Family Member; Bren Gormley, Individual Member; Duncan Gray, Individual Member; Nicholas Halls, Individual Member; Brendan Hamill, Desperadoes MC; Bob Hotchkiss, Individual Member; Kevin Howett, SMC; Alfie Ingram, MRCofS; Joy Ingram, Cam Dearg MC; William Jeffrey, SMC & Perth Mountaineering Club; Susan Jensen, Edinburgh JMCS; Jon Knott, Orion MC; Beryl Leatherland, Edinburgh JMCS; John Leftley, Oban MC; John MacKenzie, SMC; Ruairidh Mackenzie, Individual Member; Roderick Manson, Individual Member; Andrew McCraw, Individual Member; Davy McLennan, Upperward MC; Jerry Miles, Lothian Teachers Mountaineering Club; Keith Miller, Individual Member; Rory Mitchell, Paisley Walking Club; Mike Newbury, Forth Valley MC & Individual; Malcolm Noble, Fraserburgh Hillwalking Club; Jane Palmer, Cairngorm Club; Bill Park, Individual Member; Shonagh Potter, Lothian Teachers MC; Bob Railton, Forfar & District HWC; Gavin Reece, Orion MC; Mo Richards, Individual Member; Marguerite Robertson, Boots Across Scotland; Jean G Robinson, Cairngorm Club; Ade Robinson, Volunteer; Kate Ross, Ladies Scottish Climbing Club; Andy Say, MLTE; Eilidh Scobbie, Cairngorm Club; Gillian Shirlaw; Ann Sime, Individual; David Smeaton, Individual Member; Carolyn Smith, Forfar & District HWC; Richard Spencer, Individual Member; Chris Squire, Individual; Scott Stewart, Glasgow JMCS; Alastair Sutherland, Individual Member; Chris Townsend, Individual Member; Garry Wardrope, Cairngorm Club; Mary Webster, Ladies Scottish Climbing Club; Roger Wild, SMC; Heather K Willimott, Kirkintilloch MC; Peter Willimott, Kirkintilloch MC & Individual; Susan Wishart, Joint Member; Craig Wishart, Joint Member

All those present were provided with a coloured voting card indicative of voting rights.

The President welcomed everybody to the Meeting, and asked for notice of any matters members wished to raise under **Item 11 Any Other Competent Business**.

The following issues were raised.

Scott Stewart – Glasgow JMC of S

Item for information - Civil Liability Insurance for club huts.

Neil Cuthbert – Edinburgh JMC of S

Item for information - Impact of Disability Rights Legislation, currently passing through parliament, on facilities at club huts.

Mike Newbury - on behalf of A&C Sub Committee

Report on actions in hand - Closure of level crossings by Railtrack, and the implications for freedom of access.

It was noted that the Constitution determines that 'Business or motions not on the Agenda may only be taken at the discretion of the Chairman'. The Chairman asked if the meeting wished to deal with the business raised.

It was agreed that as the matters were not directly to do with the business of an AGM, and proper notice had not been given to the Honorary Secretary in accord with the requirements of the Constitution, they should be dealt with after the completion of the formal business of the AGM, if time allowed.

1] Apologies.

The following apologies were received:

Prof Alan Page, MCoFS Adviser; Bob Grant, SNH; Lorna MacLeod, sportscotland; Adam Watson; Mark Vallance, BMC; Helen Lawless, MCI; Bill Renshaw, BMC; Blyth Wright, SAIS; Rennie McOwan; Simon Moody, Climber Magazine; Paul Grant, Pro Sports Promotions; Moray Allan, Individual Member; Joyce Hunnam, Scottish Executive, Sports Policy Unit; Susan Grant, VisitScotland

2] Introduction of Guests.

The Honorary Secretary introduced the following guests:

Dave Turnbull, BMC; Alistair Sutherland, MCoFS Auditor; Alan Blackshaw, MCoFS Adviser; Bernard Newman, Climber Magazine; Doug Jones, MLTUK; Kate Ross, MLTS; Tim Walker, Glenmore Lodge; Paul Denholm, PSP; K C Gordon, Cttee for Wales; John Cousins, UKMTB; Iain McMorrin, BMC, ACT; Derek Walker, MTT; Iain Peters, MTT; Declan O'Keefe, MCI; Patrick O'Sullivan, MCI;

3] Adoption of the Minutes of the AGM of 2003.

A proposal to accept the Minutes was made by Fred Belcher, Vice President, and seconded by Beryl Leatherland, Vice President.

The minutes were accepted as an accurate record of the business of the AGM of 2003.

4] Matters Arising.

The National Officer reported on actions following decisions taken at the last AGM.

Civil Liability - Clarification of position of people with multiple memberships.

The NO reported that each person in membership, whether a club member or an individual member, pays the same premium and is covered for all activities associated with the sport of mountaineering as an individual. He re-emphasised that all those sporting activities that are not specifically excluded are regarded as covered. In the context of Civil Liability Insurance it is only possible to claim on one Civil Liability Insurance Policy in respect of any one claim. No benefit is gained by paying multiple premiums, either because one is a member of more than one club or in membership of both the BMC & MC of S. He reported that currently the electronic data storage system of the MC of S does not allow the MC of S to easily identify people with multiple memberships, and the administrative costs of trying to refund all multiple premiums is beyond the current means of the MC of S. It is expected that when the UK IT project is fully operational, which should be during the forthcoming year, it will be much easier to identify people with multiple memberships. When the system is fully operational the MC of S intends to adopt the current practice of the BMC and refund multiple premiums on request.

Civil Liability - upper age limit for Civil Liability Insurance Cover.

The NO reported that although no definitive written reply has been received from Perkins Slade. It is understood, both by the MC of S & BMC, that as there is no upper age limit to civil responsibility, or the possibility of suffering damage arising from the negligence of others, there is no upper age limit for Civil Liability Insurance Cover.

All people who have paid the premium included in the membership subscription are regarded as active and are covered. Other matters arising were dealt with under Items on the Agenda.

The Chairman thanked the NO for his report.

5] **Annual Report for 2003/2004.**

The Chairman reported that the Annual Report is included in Issue 23, June 2004 of the The Scottish Mountaineer, which has been distributed to all members.

He asked if anybody had any questions about the contents of the reports of the office bearers. No questions were raised.

The Chairman commended the Annual Report as a good overview of the range of activities with which the Council is engaged, and the progress being made on numerous important issues.

The report was accepted.

6] **Accounts and appointment of the auditor.**

The Honorary Treasurer reported on the Accounts, explaining the need for the surplus recorded. A reserve of at least £45,000 has to be accumulated to meet expected future extraordinary expenditure and to meet the legal responsibilities of the Council for employees in the event of redundancy. He emphasised that the proposed increase in subscriptions arising from expenditure under the control of the Council is minimal, reflecting efficiency savings. This is further reflected by the proposed increase in subscriptions being lower than the estimated increase presented at the last AGM, despite the increase in the Civil Liability Insurance premium.

The Chairman thanked Alastair Sutherland for his work as Auditor, and asked the meeting to reappoint him for the forthcoming year.

Alastair Sutherland was appointed as Honorary Auditor.

The President thanked Alastair Sutherland, on behalf of the membership, for volunteering to continue as an auditor.

7] **Proposal to increase subscriptions.**

The Honorary Treasurer clarified mistakes in the figures arising from printing errors. Figures in each column were explained and the reason for showing increases excluding the civil liability premium element. He emphasised that the proposed increases are less than those estimated in 2003.

The Chairman referred the meeting to the article by the National Officer, "Where does your money go" in issue 23 of The Scottish Mountaineer, which sets out clearly how the subscription income of members is spent.

The Honorary Secretary asked whether anybody wished to put the increase in subscriptions to a vote. Nobody raised any objections to the proposed increase in subscriptions.

The proposed increase in subscriptions were adopted without dissent.

Subscriptions for	2004/05 [agreed] including CLI	2005/06 [estimated] excluding CLI
Civil Liability		
I.M. [Ordinary]	£22.55	£24.80
I.M. [Youth] *	£10.00	£10.00
Concession	£14.50	£12.50
Joint/Family **	£40.35	£37.50
Club (per head)	£ 9.30	£ 6.90
Associate ****	£65.00	£70.00
Civil Liability Insurance Premium	[£ 3.00]	+£3.90 [estimated]

Notes - Civil Liability Insurance [CLI]

* Youth members do not pay for CLI.

** For Joint/Family members add a CLI premium for each adult member.

*** Associate members do not receive CLI cover as a membership benefit.

8] **Proposed changes to the Constitution.**

The NO rehearsed the reasons for the change to Item 13 Special General Meetings, paragraph b, made in response to the instruction from the AGM 2003. He explained that it was difficult to establish an exact number of Individual Members who should be entitled to call a Special General Meeting as the membership fluctuates and the balance of powers of Club & Individual members needs to be consistently maintained.

The Executive decided to propose a percentage of Individual members that represents a similar number as the minimum number of Club members who are empowered to call a Special General Meeting, rather than a fixed number. The percentage should represent the appropriate number of members as the total membership fluctuates and the balance between Club and Individual Members changes.

The Honorary Secretary asked if anybody wished to put adoption of the proposed change to the Constitution to a vote. Nobody dissented from the proposed change.

The following change to Clause 13. Special General Meetings, paragraph (b) was adopted.

The Executive Committee, if requested to do so by ten or more member Clubs or 10% of the Individual Members, shall within 21 days call a Special General Meeting to be held within not more than 42 days from the date of the notice, to deal with the business specified in the request.

9] **Election to the Executive.**

Nominations were sought for the following vacant positions; Vice President [*resignation*], Treasurer [*re-election*], Honorary Secretary [*re-election*], and 3 ordinary members of the Executive. No formal nominations were received in accordance with the Constitution.

The Honorary Secretary asserted that it has been past practice to accept nominations from the floor in similar circumstances, subject to the approval of the meeting.

The meeting agreed that nominations could be accepted from the floor.

The Honorary Secretary asked if any body was prepared to stand for election.

Mary Webster, a current member of the Executive, indicated that she was willing to stand for the Office of Vice President.

Mary Webster was proposed for the Office of Vice President by Irvine Butterfield and seconded by Beryl Leatherland.

Mary Webster was elected to the Office of Vice President unopposed.

The election of Mary Webster to an Office Bearers position left four vacant positions on the Executive.

Susan Jensen, Edinburgh JMCS, indicated that she was willing to stand for the Executive as a club representative.

Susan Jensen was proposed for a position on the Executive by Neil Cuthbert and seconded by Anna Cuthbert.

Susan Jensen was elected to the Executive unopposed for a first term of two years.

Richard Spencer indicated that he was willing to stand for a position on the Executive as an Individual Member.

Richard Spencer was proposed for a position on the Executive by Alfie Ingram and seconded by Chris Squire.

Richard Spencer was elected to the Executive unopposed for a first term of two years.

Peter Willimott, who has served as a co-opted member of the F&A Sub Committee for the last year, indicated that he was willing to stand for election to the Executive as a Club Representative.

Peter Willimott was proposed for a position on the Executive by Irvine Butterfield and seconded by John Donohoe.

Peter Willimott was elected to the Executive unopposed for a first term of two years.

Chris Townsend, currently serving as a co-opted member of the A&C Sub Committee, indicated that he was willing to stand for election to the Executive as an Individual Member.

Chris Townsend was proposed for a position on the Executive by Beryl Leatherland and seconded by Fred Belcher.

Chris Townsend was elected to the Executive unopposed, for a first term of two years.

Keith Miller indicated that he was willing to stand for a second term of two years.

Keith Miller was elected to the Executive for a second term

Derek Edge agreed to stand for a further one year term as Honorary Treasurer.

Derek Edge was re-elected to the Office of Honorary Treasurer for a second term of one year.

Nicholas Halls agreed to stand for a further one year term as Honorary Secretary.

Nicholas Halls was re-elected to the Office of Honorary Secretary for a third term of one year.

The President thanked those who volunteered to serve on the Executive, and emphasised that if others felt they had expertise that might help the work of the Council, and would like to serve on a sub committee as a 'co-opted' member, they would be welcome.

The Honorary Secretary re-emphasised the enormous contribution made by volunteers working on particular projects.

10] **New 3 Year Plan 2004-2007.**

The NO presented the Corporate Plan for 2004-2007. The Plan has been presented to Sport Scotland in support of the Annual Grant Application, and contains the Work Programme to be undertaken by the S&T Sub Committee supported by the MSA and the A&C Sub Committee supported by the A&C Officer.

The NO reported that the post of MSA has been increased to Full Time and is fully supported by funding received from the Executive channelled through Sport Scotland.

He emphasised that much of the safety and conservation work supported by public funds is on behalf of every body who participates in any form of hill walking and mountaineering activity, whether they are in membership or not.

The A&C Officer's post is supported by the funding received from SNH, which is disbursed in four tranches throughout the year, subject to a satisfactory progress report.

The NO post is partially supported by Grant in Aid from Sport Scotland, but only up to a third of the costs. The work of the F&A Sub Committee and all other employment costs are supported by subscription income.

He reported that owing to the small amount of support received for Sports Development work, in part arising from the low priority given to mountaineering in Sport Scotland's policies for the development of sport, the aspirations of the SD Sub Committee have been scaled down to match the resources available. Representations are being made to Sport Scotland to raise the profile of Mountaineering and secure additional support.

The Honorary Secretary emphasised how much the membership benefits from the support received from agencies but that it has a cost in terms of bureaucracy and accountability for the expenditure of public funds. He asserted that Government policy determines that the limited public money available for the development of sport as a whole means real progress can only be made with 'added value' contributed by 'volunteer' effort, and financial support of participants. The future of the

mountaineering in Scotland depends on mobilising as much voluntary support as possible, and the expansion of the membership to incorporate a greater proportion of the people involved in hill walking and mountaineering activities. The Council can only do more with the help of subscriptions from a much increased membership.

11] Any other competent business.

The Chairman determined that the issues raised were not competent for an AGM, and the meeting agreed to consider them after the formal business of the AGM was completed.

12] Date and Place of 2005 AGM.

It was agreed that the next AGM should again be held at the National Mountaineering Centre, Glenmore Lodge, over the equivalent weekend in June 2005, subject to accommodation being available.

The formal business of the AGM was completed.

Items for Information

1] Scott Stewart, Glasgow JMCS. - Civil Liability Cover for Club Huts.

He reported on the concerns of members when they realised that in the event of a civil liability claim the whole membership of a club are jointly liable for the costs involved if they are not insured. He described how the club tried to ascertain that the Civil Liability Insurance applicable to Club Huts, provided by Perkins Slade and sold by BMC, adequately protects the members of the Club.

Legal opinion provided to the club suggested that the lack of precision in the wording of the Insurance Schedule might enable the Insurer to deny the validity of claims.

During correspondence about the matter it emerged that in the context of Civil Liability Insurance, the convention is that, 'any risk which is not specifically excluded is covered by the insurance.'

The concerns of club members were not allayed and they pursued the issue until the insurer agreed to amend the insurance schedule to make it clear that all the risks that concerned members were identified as covered.

Bringing this matter to an acceptable conclusion cost the Club at least a £1,000, which the club believed was spent on in the interests of the whole MC of S membership. The club believes the MC of S should meet this cost.

The matter will be reviewed at a meeting of the HWG on the 24 June and a report made at the forthcoming Huts Seminar, scheduled to take place at Stirling University in November.

2] Neil Cuthbert, Edinburgh JMCS - Disability Rights Legislation.

He reported that the legislation may have implications for Mountaineering Club Huts, that are hired to non club members. This could require that considerable expense may need to be incurred to bring huts up to a legally acceptable standard.

It was reported that the issue is under consideration by the BMC Huts Coordination and Advisory Panel [HCAP], and the MC of S Huts Working Group [HWG].

The matter will be addressed during the Huts Seminar.

3] Mike Newbury, A&C Sub Committee, - Access across railways.

He reported that railway lines are excluded from the Right of Access and, ostensibly for reasons associated with Health & Safety and Civil Liability, Railtrack has decided to deny access to even long established pedestrian crossing points. This removes access to a number of places formerly freely accessible.

The penalty for trespassing on railway lines is a £1,000 fine, which implies that large swathes of the highlands, including a number of popular front line hills, are no longer easily accessible from the roads running alongside railway lines. Responsible access and conformity with the Scottish Outdoor Access Code requires that the law is not broken when exercising access rights. This is a significant step back as it effectively divides the highlands into a number of sectors between which access is obstructed for long distances.

Representations have been made to Railtrack who so far remain intractable, and representations are being made to the Scottish Executive, and sympathetic members of Parliament. It is believed the legislation governing railways remains the responsibility of Westminster.

The Chairman thanked the reporters for the information.