

BMC HUTS GROUP

CURRENT MATTERS – September 2018

LEGISLATION

General Data Protection Regulation

This is important for clubs.

The General Data Protection Regulation (GDPR) came into force on 25th May 2018. It superseded the UK Data Protection Act 1998. The Regulation applies to all EU organisations whether commercial business, charity, public authority or voluntary bodies such as clubs that collect, store or process personal data of individuals residing in the EU – even if they are not EU citizens. Clubs need to comply with this Regulation.

The Regulation expands the rights of individuals to control how their personal data is collected and processed. Organisations need to obtain the consent for processing of personal data held by them. There must be a lawful basis for the processing of data, i.e. the data subject has given consent to the processing of personal data for one or more specific purposes.

For example: lapsed memberships need to be deleted after a reasonable time has elapsed.

See: www.thebmc.co.uk/gdpr and <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

INSURANCE

Howdens have taken over Perkins-Slade – the BMC and MS's insurance broker.

The insurance is provided by Hiscox.

BMC COMBINED LIABILITY INSURANCE POLICY AND HUT INSURANCE POLICIES

These policies are now administered directly by our Insurance Brokers – Howdens who provide them for clubs and members of the BMC.

Combined Liability Insurance policy

Prospective members are covered for three months by the policy. Some clubs may find that this period of cover is not long enough for their membership requirements because prospective members may well not join a club for six months or more.

Trustees

The wording of the policy states that the 'insured' includes 'trustees, club hut trustees, hut wardens and volunteers.'

The trustees of club huts must be club members – See Guideline 6 Civil Liability Insurance Protection.

Huts Insurance policy

While there is a general requirement that properties be appropriately maintained there is no requirement that fire alarms be tested weekly. However, it is advisable that they be tested regularly and the tests recorded.

Queries – contact Howdens – Tel. 0121 698 8000 – Sports section.

Employers' Liability Insurance (ELI)

ELI is included in the Combined Liability Insurance policy (CLI) Clubs with huts employ volunteers to maintain their huts must apply to Perkins-Slade for this cover.

From 1st January 2017 all current 2016 'Hut' ELI beneficiaries will be automatically renewed. It is essential to update correspondent contact details.

ELI extends the cover afforded by the CLI policy. It only covers 'LIGHT MAINTENANCE' e.g. cleaning, painting, gardening and minor repairs.

Hiscox (the insurers) have agreed to cover all work carried out by volunteers other than:

- Work undertaken at height (anything over three metres)
- Work involving the use of chain saws, and
- Electrical work that requires a Part P certification.

If a club intends to carry out any of these activities, cover can be arranged but Howdens (the brokers) would need to know how the work at height for example was to be carried out safely, what safety equipment was to be used, how trained or experienced the volunteers undertaking the work were. More information is provided on the BMC Insurance website.

Note: Club volunteers carry out maintenance on huts and this issue has generated a fair amount of correspondence regarding the cover provided by the ELI policy.

See queries below from the London MC and North London MC.

PRIVATE WATER SUPPLIES

The Water Supply (Water Quality) (Amendment) Regulations 2018 which came into force on 11th July 2018

The Water Supply (Water Quality) Regulations (Wales) which came into force on 15th June 2018.

The Private Water Supplies (England) (Amendment) Regulations which came into force on 11th July 2018

The Private water Supplies (Wales) Regulations which came into force 20th November 2017.

ONLINE BOOKING SYSTEMS

The three national huts all have on-line booking systems and these have proved to be very successful in encouraging members to use these huts.

BOILING WATER UNITS FOR HUTS

Boiling water units may be plumbed into a hut's water system to provide a constant supply of boiling water – the water being replenished as water is drawn off.

"Heatstore" boiling water heaters are available from City Electrical Factors which has outlets in many towns. The units vary in capacity from 2.5L to 30L.

See www.heatstore.co.uk for further information

KEY SAFES – Fitted Externally to Club Huts

BMC – the underwriters have confirmed that ‘Key Safes’ are acceptable.

They need to be of quality construction and comply with the manufacturer’s installation instructions, i.e. located into brick and/or concrete not plaster.

For extra security they should be located away from the door and if possible out of sight

BMC/MCofS – Guidelines for Hut Managers

With the exception of the guidelines currently under revision (see below) all the guidelines have been revised.

Guidelines under revision

G1 – CASCs – This guideline has been withdrawn because the regulations governing CASCs mean that this scheme is no longer really suitable for mountaineering clubs given the way in which they usually conduct their affairs. It will be replaced with a guideline setting out the options for clubs regarding their form of organisation, e.g. unincorporated or incorporated as a company limited by guarantee.

The following Guidelines have been updated.

G6 Combined Liability Insurance Policy

G11.1 Safeguarding Children in Mountain Huts (E&W)

G11.2 Safeguarding Children in Mountain Huts (Scot)

Under Revision G10.1 & G10.2 Private water Supplies

Insurance Protocol - This is very important.

In order to comply with this protocol the BMC/ M. Scot must notify the Howden Group of any incidents concerning allegations of abuse and poor practice involving BMC/M.Scot. members or members of clubs affiliated to the BMC/M.Scot. Allegations of abuse must be reported to the BMC/M.Scot immediately. Therefore the wording of the following guidelines needs to be amended to reflect this requirement.

G6 Combined Liability Insurance Policy (Originally Civil Liability)

G11.1 Safeguarding Children in Mountain Huts (E&W)

G11.2 Safeguarding Children in Mountain Huts (Scot)

QUERIES FROM CLUBS RECEIVED FROM APRIL TO OCTOBER 2018.

North London Mountaineering Club

Query concerning club huts and safety checks. The club has two huts at Capel Curig. Their local caretaker who has carried out their local safety checks but he has now retired.

One hut “The Barn” is rented out to groups. “The Cottage” is only used by members and their guests.

Response: The Club was advised about the need to carry out the following checks:

Fire Protection System – essential to have the system checked at least once a year but better to have checked twice a year. My own Club the KMC employs a local firm Snowdonia Fire Protection to carry the inspections and tests. Fire alarms need to be tested frequently. Best to record the tests.

Fire risk assessment must be carried out to comply with Fire Regulations.

Electrical System – must be inspected and tested every five years to comply with the BMC's Hut Insurance policy (HISCOX).

Gas system needs to be inspected and checked every year by a qualified Gas Safe tradesman if you have a gas system

Private water supplies must comply with current regulations.

Health and safety – regular checks to ensure that the buildings are safe to use for hut users – this includes areas around the properties and access points – to ensure there are no hazards which may cause injury to users. It is best to carry out a risk assessment of the buildings and their environs.

Insurance – important to insure buildings for their re-instatement in the event of their damage by fire etc. A valuation for insurance purposes should be carried by a professional valuer/surveyor every five years or so.

Note: Refer to the Guidelines covering these matters on the BMC website.

Shrewsbury MC

Query concerning fire doors. Should fire doors in a hut be fire resistant for 30 or 60 minutes?

This query was raised by a concerned member of the club.

Response: He was advised that as the building was not a commercial building fire doors which provided protection for 30 minutes were appropriate. The club could install fire resistant doors which were resistant for 60 minutes instead of 30 minutes if it wished to do so. This may be a consideration in view of the hut's remote location.

The club was advised that it should carry out a fire risk assessment if it has not already done so. To comply with the fire regulations somebody needs to be identified as the responsible person for fire safety. Penalties for non-compliance include prison sentences and fines.

South Wales MC

Query concerning electronic locks. It came via the BMC.

Response via the BMC

Due to the very technical nature of this query and given the range of lock systems available it was not really possible to provide the advice sought.

The Club was advised to consider the following issues:

1. Who is going to access the property;
2. Does the Club let their property to other clubs and other bodies?
3. How will their members access and access the property and by what means – maybe by use of a phone.
4. The security of the system and whether it is weather and vandal proof;
5. Whether the proposed electronic and wifi systems are really reliable;
6. Have they consulted any other club or body who uses their chosen electronic system?
7. If the system fails and people cannot access the property is there another means of accessing the property – such as a key in key safe accessed by a code?
8. If members and others need to sue their phone to access the property can they still access the property by some other means if their phone fails say due to a flat battery?

9. Whether the insurers will approve the chosen electronic type of lock and operational system.

The Club was also advised about the DWMH electronic lock system, Gianni GK 300 Series, used to control entry to the hut. It consists of an electrically operated latch, a control pad and 72 hour battery backed power supply. To date the lock has proved to be totally reliable.

Wessex MC

Query concerning the club's 12 volt electrical system and whether it complied with the BMC's Hut Insurance policy.

Response: Advised the club that they should have the system checked by a qualified electrician. Systems should be inspected and tested every five years to comply with the policy.

We advised them that they might wish to contact Howdens, our brokers, about this matter.

Note;

We contacted Howdens and obtained the name and email address of the person who could assist them with their query and sent it to the club. We also provided the club with the name of a local electrician. We suggested that the club might like to speak to someone at An Teallach MC's Strawberry cottage which generates its own electricity using solar panels.

Yorkshire MC

Query concerning taxation.

Response: Advised the club via the BMC – that HMRC had probably sent out this form to all clubs registered as CASCs – because some clubs such as golf clubs may well have trading profits. YMC need to complete the form as best they can - include a copy of their accounts together with a covering letter explaining that they are a members' mountaineering club and that they operate two huts? – and that these are managed by volunteers, and that any surpluses generated from hut fees are ploughed back into the property – surpluses are not distributed to club members.

Query concerning maintenance work undertaken by members and where one of them is injured the club's liability.

Response:

This query came via the BMC. The club had decided that as a matter of policy all electrical work would be carried by contractors. With regard to plumbing jobs should members undertake these kinds of jobs? This depends on their competency. In any event the work can be checked for leaks and to ensure fittings are secure.

Many members can undertake a range of tasks required to maintain the club's huts in good condition – painting and decorating, cleaning etc. The BMC's Employers' Liability Insurance policy insures the club against claims for damages by members who may be injured while carrying out maintenance work. The club was referred to BMC Huts Guideline 15 ELI.

This is a problem for many clubs and we have raised this issue with Perkins-Slade.

Suggestion – use members who are qualified tradesmen to carry out work for which they are qualified on a no fee basis. They would be covered by their own insurance. Ensure work is supervised and carried safely.

See above Employers' Liability Insurance 'Light maintenance' London Mountaineering

Children in Mountain Huts

Ref. to G11.1 Safeguarding Children in Mountain Huts

See AMMH Hut below – MANCOM's Policy regarding access for children when wardens are in residence.

George Starkey Hut

This hut is operated by a company, George Starkey Hut Ltd in which the Alpine Club and the ABMSAC have equal shares.

Query regarding children accessing this hut and the paperwork which may be required to record them in the hut records. One of the parties wishes to minimise the paperwork required while the other party wishes to ensure the paperwork really nails matters down.

This query came via Nick Colton (BMC Deputy CEO)

Response

Parents are responsible for their children when staying at the hut. The parents need to be aware of the conditions which pertain to the hut for example sleeping accommodation. If an adult is acting in "*loco parentis*" it is important to make sure that the parent has nominated this person (not the club). While it is not a requirement, it is advisable to use a consent form – it could prove useful.

Ref. BMC Child Protection policy; Guideline G11.1 Safeguarding Children in Mountain Huts which has a pro-forma consent form attached to it.

K Fellfarers – Insurance – Trustees

Hut leased from the National Trust.

The Renewal of the club's lease for High House from the National Trust (NT).

Under the terms of the proposed lease the NT will be responsible for insuring the building.

The Club is responsible for insuring the contents which they do through a local agent.

The club's current and proposed leases are "Full Repairing and Insuring Business Leases (Put & Keep) so the club is responsible for all costs.

Negotiations for a new lease started in 2014.

Issues:

Liability – NT has agreed to reinstate the old clause which only held the trustees liable up to the assets of the club.

Water supply – NT carries out work on neighbouring farm's water supply and this affects the huts supply – so the club wants protection against interference with the supply to the hut.

Current position: The terms of the 20 year lease have now been agreed. The Club is responsible for the maintenance of the property.

Lancashire Mountaineering Club

Hut leased from the National Trust.

Lease renewal for its hut, the Loft, at Blea Tarn with NT.

The lease expired in 2009. The club has not yet managed to agree terms for the renewal of the lease with the NT. The renewal has involved five different personnel at the NT. The club has

managed to keep the rental uplift manageable but the NT has expanded their repairing liabilities to include services and utilities which were previously shared.

The NT has not allowed the club to use the former communal generator.

The Club wants to carry out improvements to the property but it cannot do so until the terms of a new lease have been agreed.

'All in all we are two minds whether to renew or not. Particularly given the reduced usage!'

Response

The BMC has raised this matter with the National Trust in the Lakes.

Current position?

Note: LMC has constructed and opened a new hut, Cae Ysgubor, at Beddgelert in Snowdonia.

Current position ?

Note: Some queries from clubs have been dealt with by referring the club to the relevant guideline.

NATIONAL HUTS

There are three national huts in Scotland. Two, the Glen Brittle Memorial Hut (GBMH) and the AMMH are held in trust on behalf of the BMC and M.Scot, the other, Mill Cottage, is a private trust but has M.Scot members among its trustees.

The Mill Cottage trust is registered as a Scottish Charitable Incorporated Organisation (SCIO). The Glen Brittle Memorial Hut is also now registered an SCIO.

A SCIO has its own legal personality so it can carry out transactions in its own name and hold title to land. In most cases the trustees enjoy limited liability. There are also tax benefits.

Huts registered as SCIOs have to be run for charitable purposes, e.g. provision of recreational facilities, for the advancement of public participation in sport. Becoming an SCIO involves registering with the Office of the Scottish Charity Regulator (OSCR). Annual reports and accounts have to be filed with the OSCR.

Note – England: Charitable Incorporated Organisation (CIO)

Alex MacIntyre Memorial Hut (Convenor – John Leftley)

Feasibility Study

To date improvements have been carried as and when funds become available. The building is over 100 years old and it is showing its age. A feasibility study has been drafted. It sets out the work which needs to be done to put the building into a good state of repair and in particular to make it watertight. The study will provide indicative costs for the various elements involved in the refurbishment of the building. The cost of the study will be about £7,500.

The BMC and MCoF S have each agreed to contribute up to one third of the cost of the study.

Recent Improvements

The ablution block has been re-slatted at a cost of £11,086

Over the last five years the Committee has spent £60,000 on improvements to the property.

These include the refurbishment of the small bedroom and the toilet block, an upgrade of the electrical and fire alarm systems, installation of a new heating system, replacement of fascias, soffits, down spouts, gutters, a new front door and two new WCs. These improvements were funded in part from our own resources and by loans and grants from the BMC, MCoF S and SMT. Further improvements include refurbishing the kitchen and drying room and in the longer term refurbishing the lounge/dining room.

Current Financial position January to August 2018

Income £17,863, Expenditure £8,770, Surplus £9,092. Cash £43,839 this includes £3,300 received from the BMC towards the feasibility study.

There are sufficient resources to commit up to around £30,000 on improvements and maintenance with £10,000 in reserve.

Bookings

The Easy Booking System continues to be popular with hut users.

Occupancy rate for 2017 – available 5,808 occupied 1,426 (25 %) down from 1,951 (33%) in 2016.

There fewer bookings due to the poor winter conditions.

The hut can accommodate 16 people. The hut fee is £12 pppn. During the period from January to May wardens are in residence. While wardens are in residence children are denied access to the hut.

Don Whillans Memorial Hut (Warden – Mike Battye)

Rock Hall Cottage is leased from the Staffordshire Wild Life Trust (SWT) which now manages the Roaches Estate. The current lease runs until 2045. The Cottage is a Grade 2 listed building.

Improvements

In 2015 almost £20,000 was spent on improvements. The washroom was refurbished at cost of £15,000. A loan from the BMC repayable over 5 years funded the improvements.

In memory of Craig Harwood the patio in front of the hut has been extended to create a level area for tables and chairs. The path fronting the cottage has also been widened.

Further work:

Review the heating system and the layout of the lounge seating to provide more comfort.

Security - the hut is secured by a KABA 7100 Series locking mechanism.

Finance

A very successful year produced an operating surplus of £8,499.

The hut repair fund had not been increased for some years so it was agreed to increase it to £8,000 to keep it in line with inflation. The balance will be shared between the DWMH and SWT.

The SWT will use its share to fund Roaches projects.

Energy costs have been reduced by some margin over the years. This has been achieved by matching the demand for heat to demand when it is really needed.

Bookings

Bookings – Occupancy rate in 2017 was 35 percent. The hut can accommodate 12 people. Hut fees are £10pppn but members must book the whole hut at weekends (Friday and Saturday nights) due to the very high demand at a cost of £240. Bookings may be made online.

Maintenance – BMC has entered into a contract with a self-employed contractor for the upkeep and maintenance of the building.

Insurance

The Staffordshire Wildlife Trust insures the hut to which the BMC contributes around £250 per year.

Glen Brittle War Memorial Hut (Chair – Charles Harris)

The hut has been refurbished at a cost of £205,000. The hut can accommodate 18/20 people.

Hut fees are £15 pppn from 1st October 2015. Full bookings: 18 places £216; 20 places £240.

Bookings may be made online.

Current Financial position year to 31st December 2017

Income £27,371 Expenditure £16,996 includes repairs £1,606 and legal fees £6,120. The latter will be met by the BMC and MS in due course – in the ratio 2/3:1/3

Cash available £18,631

Occupancy rate 47 per cent – few bookings in January, February and March. Advance bookings for 2018 - £10,000.

Note: Occupancy rate for the first nine months of 2018 was 51 per cent.

Visitors from French, Spanish and Dutch clubs have stayed at the hut.

Loans outstanding £38,000 (BMC £30,000; SMT £8,000)

New financial arrangements are to be made to deal with the problems of banking with TSB. In future the Huts accounts will be managed at MS's Office in Perth. The Finance officer there will look after the Huts accounts.

Further improvements

Minor work

These are mainly cosmetic – painting and decorating, new seating, new door handles etc.

Major work

Phase 3 – Involves dry lining the upper floor and improving the floor.

Phase 4 – Improving the car park arrangements.

Wardens

The hut will be supervised by wardens during July and August 2018.

Insurance

The Committee has decided to insure the hut with the NFU rather than with the BMC/MS hut insurance policy because it is less restrictive and £300 cheaper.

Cost £846.

Meetings:

Final Meeting of the GBMH was held 28th September 2018. This was followed by the first Meeting of the GBMH Trust SCIO. Subject to the agreement of the OSCR the assets of the GBMH 1965 Trust are to be transferred to the GBMH Trust SCIO following the dissolution of the 1965 Trust.

Iain McCallum

Chair of the BMC Huts Group

October 2018