

British Parachute Association

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The Council

Minutes of the meeting held on

Tuesday 11 October 2005 at 1830

at the BPA Office, Wharf Way, Glen Parva, Leicester

Present:	Chris Allen	Chairman
	Paul Applegate	
	Adrian Bond	
	Kieran Brady	Development Chairman
	Nigel Holland	
	Eddie Jones	Communications Chairman
	Ian Marshall	
	John Page	
	Andy Scott	
	John Smyth	Vice Chairman/Competitions Chairman
	Elizabeth Stoodley	
	Jim White	
In attendance:	Jane Buckle	Headcorn Parachute Centre (to item 58)
	Tony Butler	Technical Officer
	Karen Farr	Chair, Panel of Inquiry
	Lesley Gale	Editor, <i>Skydive Magazine</i>
	John Hitchen	NCSO
	Martin Shuttleworth	Secretary-General
	Peter Sizer	Headcorn Parachute Centre (to item 58)
Apologies for absence:	Debbie Carter	Treasurer
	Ralph Fielding	
	Tony Goodman	

Item Minute

55/05 Minutes

Paul Applegate proposed, and Ian Marshall seconded, a motion that the minutes of the meeting held on 16 August 2005 be approved as a correct record. This carried unanimously.

Approved

56/05 Adrian Nicholas

The Chairman recorded the Council's condolences at the recent fatal skydiving accident of Adrian Nicholas.

57/05 Matters arising

57.1 Trophy for outstanding achievement in the sport (minute 42.1)

The Chairman reminded the Council that Jim Croker had kindly agreed to sponsor a trophy to be awarded for outstanding achievement in sport parachuting. It would be presented at the Royal Aero Club Awards Ceremony, not necessarily every year.

A request for ideas on designs had produced a response from Rachel Elliott, who was an artist in glass and the daughter of BPA Member Martin Elliott. The Council thanked Rachel Elliott for her suggestion, but preferred a more durable material, such as metal, for the trophy.

At the previous meeting, one of the options considered had been a presentation sword. Ian Marshall proposed, and John Page seconded, a motion that the Office should be asked to obtain further details of the cost and availability of a sword. If possible, the sword should be mounted with an inscribed plate. The Office would liaise with the Chairman and Jim Crocker.

Carried unanimously - Action: BPA Office

57.2 Insurance at the Rhine Army Parachute Association (RAPA) Drop Zone at Bad Lippspringe in Germany (minute 42.2)

The Chairman reported that the BPA's insurance brokers had written to say they could offer an arrangement whereby RAPA could take out its own insurance as a Club, which would also cover the BPA. There were, however, many points that needed to be clarified about the exact wording of such a policy. But first it was necessary to find out whether or not the cost – which was significantly more than the existing BPA policy – would be acceptable to RAPA. The Chairman had yet not been able to reach Paul Moore of RAPA by telephone to discuss the matter, but he would do so and report back to the next meeting.

Action: Chairman

Kieran Brady proposed, and Andy Scott seconded, a motion that the Council should again extend the provision whereby, due to the exceptional circumstances at RAPA, Paul Moore should continue to be authorised, at his discretion, to issue more than one BPA Temporary Membership to any individual experienced German jumper at his Drop Zone.

Carried unanimously

57.3 T-shirt for ESL finals (minute 43.4)

Andy Scott reported that a T-shirt of a similar design was also being produced for the British Team competing in the World Cup at Eloy from 24-29 October 2005.

57.4 2012 Olympics (minute 48)

The Chairman said that Tony Goodman had written a letter to Display Teams. He had also been able to obtain the verbal support of Lord Coe, who had promised to progress the idea of a parachute display through the appropriate organising committee.

57.5 Prize draw at AGM 2005 (minute 49)

Nigel Holland confirmed that he had received a letter from the Chairman (minute 49 refers) and that he did not wish to comment further.

57.6 Report of the Panel of Inquiry into the suspected irregularities regarding the operation of Cessna 208B at JSPC Netheravon (minute 50)

The Chairman reported that Charles Shea-Simonds had replied to say that he had instructed solicitors. The solicitors had not yet been in contact with the BPA.

Elizabeth Stoodley expressed concern over Eddie Jones's comments (minute 50.9), which she believed might read to imply that the Council was not open to appeals. The Chairman asked her to discuss the point with Eddie Jones outside the meeting, and to bring it up at the next meeting if it had not been resolved to her satisfaction.

57.7 Red Letter Days (minute 53)

The Office had contacted all Clubs & Centres per minute 53. However, Red Letter Days had withdrawn its advertisement for skydiving from its website. The Chairman thanked all Clubs & Centres that had responded, but said there was no action the BPA could now take. John Smyth said that the public was aware of the bankruptcy of Red Letter Days, which had been covered in a recent prime time current affairs programme on ITV1 that had featured Headcorn Parachute Centre as one of the creditors. Kieran Brady said that Drop Zones were businesses that took their own commercial decisions. There might, however, be scope for a

session on the distillation of good practice on dealing with agencies if DZ Operators wanted this at the next Drop Zone Operators' Forum.

Action: Consider for next DZO Forum

58/05 Appeal against a STC decision by Jane Buckle and Peter Sizer

58.1 A dossier of papers had been circulated with the agenda relating to an appeal by Jane Buckle and Peter Sizer of the Headcorn Parachute Centre against a decision made by STC on 11 August 2005. This had reference to disciplinary action taken against them as a result of the Report of the Panel of Inquiry following the Board of Inquiry into the fatal accident of Peter Leighton-Woodruff. Jane Buckle and Peter Sizer were present tonight to represent themselves. Their grounds for appeal were against an aspect of the procedure followed by STC and the severity of the penalties imposed.

58.2 In outlining how he intended to run the appeal, the Chairman asked for anyone that had contributed and/or voted at the STC meeting on 11 August 2005 on this matter, or who had an interest be it financial, personal or otherwise, that would lead a fair minded and informed observer to conclude that there was a real possibility of bias, to leave the room during the in camera session.

58.3 The Council then heard representations from the appellants and the Chair of the Panel of Inquiry. Following this, an in camera session was called.

58.4 After discussion, the Council accepted that the procedure of STC in allowing members of the Panel to remain for STC's in camera session and vote on their Report, while Jane Buckle and Peter Sizer were excluded, was contrary to the established principles of natural justice. The Council apologised for this procedural error. After careful consideration of the Report, and having full regard to its content, Ian Marshall proposed, and Andy Scott seconded, a motion that the Council did not however believe that this procedural error had made any difference to the outcome of the vote, namely acceptance by STC of the Panel's Report.

Carried unanimously

58.5 The Council then turned its attention to proportionality of the penalty. For Peter Sizer, the penalty imposed by STC had been as follows, as per a recommendation in the Panel Report.

That Peter Sizer has his BPA Examiner's Rating revoked for 3 years and his Advanced Instructor Rating revoked for 1 year. After these periods his re-application should comply with the provisions of the BPA Operations Manual in force at the time of re-application.

The Council noted that a counter-proposal for a variation to the above penalty had been narrowly lost at STC on 11 August 2005. There followed detailed consideration of the representations made at the appeal hearing, including the dossier of written evidence.

58.6 Eddie Jones proposed that the Council should accept the recommendations in the Panel of Inquiry Report [as had been accepted by STC] without any changes. This failed to find a seconder.

58.7 Ian Marshall proposed, and Andy Scott seconded, a motion to apply the penalty set out in Tony Knight's counter-proposal to STC. Elizabeth Stoodley made a counter-proposal, seconded by Nigel Holland, for Peter Sizer's Advanced Instructor's rating to be reinstated once he had passed the appropriate course, with no three-year suspension of this rating and no fine. The vote was:

For – 2 Against – 3 Abstain – 1, Eddie Jones

Not carried

58.8 A vote was next taken on Ian Marshall's proposal, that the penalty imposed on Peter Sizer should be as inset below. The revised penalty being proposed was as per Tony Knight's uncarried counter-proposal to STC on 11 August 2005, except for clarification of the

amount of the fine, and it was a lesser penalty than that in the Panel Report and agreed by STC because the 3 year revocation of Peter Sizer's Advanced Instructor Rating was suspended.

That Peter Sizer has his BPA Examiner's Rating revoked for 3 years and his Advanced Instructor Rating revoked for 1 year but that the revocation regarding his Advanced Instructor Rating be suspended for 3 years subject to no disciplinary action being taken against him in that 3 years. After these periods his re-application should comply with the provisions of the BPA Operations Manual in force at the time of re-application. Also, that he is tasked with a contribution of £1000 towards the costs of the Panel of Inquiry.

The vote was: For – 3 Against – 2 Abstention – 1, Eddie Jones.

Carried

The Chairman confirmed that the above penalty would take effect retrospectively from 11 August 2005.

58.9 The Council then considered proportionality of the penalty for Jane Buckle. The penalty imposed by STC had been as follows, as per a recommendation in the Panel Report.

That Jane Buckle has her BPA Examiner's Rating revoked for 2 years. After this period her re-application should comply with the provisions of the BPA Operations Manual in force at the time of re-application.

58.10 The Council found that, within the context of the range of penalties imposed over recent years by STC, although no previous case shared the same facts, there was no evidence that the tariff in this case had been unduly harsh or unduly lenient. Nigel Holland therefore proposed, and Andy Scott seconded, a motion that the Council found no grounds to uphold Jane Buckle's appeal against the penalty imposed by STC; and that the Council believed this penalty to be proportionate.

Carried unanimously

58.11 Ian Marshall asked whether the Council should impose a fine on Jane Buckle, to help to defray the costs of the Panel of Inquiry. No proposal was made to do this.

58.12 The Chairman thanked the Council for their conscientious and detailed consideration of this appeal during an in camera session that had lasted for over an hour.

58.13 Jane Buckle, Peter Sizer and other persons who had been excluded from the in camera session were then invited to re-join the meeting. The Chairman announced the decision to them. Jane Buckle and Peter Sizer thanked the Council for hearing their appeal, and left the meeting.

59/05 Ratification of minutes of Subcommittees

The minutes of each of the following meetings had been circulated in advance.

59.1 Development Committee meeting on Tuesday 16 August 2005

In the absence of any questions or requests for clarification, Kieran Brady (Development Chairman) proposed, and John Page seconded, a motion that the minutes of the Development Committee meeting held on 16 August 2005 should be ratified. This carried unanimously.

Ratified

59.2 Communications Committee meeting on Tuesday 14 June 2005

In the absence of any questions or requests for clarification, Eddie Jones (Communications Chairman) proposed, and Paul Applegate seconded, a motion that the minutes of the Communications Committee meeting held on 16 August 2005 should be ratified. This carried unanimously.

Ratified

59.3 Safety and Training Committee meeting on Thursday 6 October 2005

The Chairman asked for clarification of item 6, 'Proposed Changes to the BPA Operations Manual', on page 7 of the STC minutes with reference to a proposal that failed to find a

seconded, that Section 10, Paragraph 5, sub-paragraph 5.5 of the Operations Manual should be changed to read 'Tandem Parachutists are not permitted to take part in Canopy Formation (CF) or night descents'. The Chairman was concerned that failure of this proposal might wrongly be taken to imply that Tandem Parachutists were permitted to take part in such descents. They were not, and the Chairman asked that a clarification to this effect be added to the minutes.

With this clarification, Paul Applegate then proposed, and John Page seconded, a motion that the minutes of the STC meeting held on 6 October 2005 should be ratified. This carried unanimously.

Ratified

59.4 Competitions Committee meeting held on Tuesday 20 September 2005

Kieran Brady asked why the Competitions Committee had set dates for FS Grand Prix that did not include the bank holiday at the end of May, this being the established date for the Scottish Nationals which traditionally formed a leg of the Grand Prix. John Smyth (Competitions Chairman) and Andy Scott (Competitions Vice Chairman) said that the dates had been chosen at the request of competitors, who wished the FS Grand Prix to tie in with the European Skydiving League, and who did not wish to give up a 3-day weekend when they could be training. It was open to Strathallan to bid for any of the dates listed on the bid form. John Smyth said he believed the Scottish Nationals were well able to stand in their own right and that the presence or absence of a concurrent BPA Grand Prix should make no difference to what was a very long established and respected Club meet.

Kieran Brady then asked the reason for the resignation of Frank Mallabone as BPA Competitions Equipment Co-ordinator. John Smyth explained that this was because Frank Mallabone had formed the view from minutes of meetings that the Committee was not supporting him. John Smyth said that the Committee was very grateful for all that Frank Mallabone had done, and then proposed, and John Page seconded, a motion that the BPA should award a Certificate of Appreciation to Frank Mallabone for his work as Competitions Equipment Co-ordinator.

Carried unanimously

John Smyth said that the Competitions Committee had had to consider the costs and logistics of transporting the accuracy tuffet to Centres hosting BPA Classics competitions. The Committee was looking at a new arrangement whereby equipment would be stored for the season at a Centre that would host all of that season's Accuracy competitions, so avoiding the need to transport the tuffet up and down the country.

John Smyth then proposed, and Andy Scott seconded, a motion that the minutes of the Competitions Committee meeting held on 20 September 2005 should be ratified. This carried unanimously.

Ratified

60/05 Reports on Committee meetings held earlier today

60.1 Communications Committee

Eddie Jones (Communications Chairman) reported that the Communications Committee had:

- asked Lesley Gale to re-work the proposed Magazine budget for 2005/6 with a view to eliminating over-inflation cost increases;
- approved the draft of the BPA Calendar 2006;
- received, and circulated to the full Council, the analysis of the 2005 BPA Membership Questionnaire Survey which had achieved an excellent response rate of 68%. The analysis would be published in *Skydive Magazine*. The Committee had thanked the staff and others who had carried out the manual analysis, which had proven to be a big job;

- asked Ralph Fielding to convene a small working group to consider, and if appropriate make recommendations for review, of the policy on use of the BPA logo by individuals and organisations other than the BPA itself.

60.2 Development Committee

Kieran Brady (Development Chairman) reported that the Development Committee had:

- passed the final draft of the Freely Manual through the TO/NCSO to STC for formal approval, and thanked Paul Floyd and his collaborators for kindly preparing the manual at no cost to the BPA;
- asked John Page to advise on the best use of promotional space kindly made available to the BPA to promote sport parachuting at the Bedford wind tunnel, which was now open;
- considered the way forward in formulating a written contract with the BPA Shop;
- noted that Elizabeth Stoodley was preparing guidelines to go on the BPA website to advise Members on how to get good news stories about sport parachuting in the media;
- noted that the BPA Credit Card had 800 cardholders who had carried over from the old card, together with 28 new cardholders since its recent re-launch.

61/05 Correspondence

61.1 From Lt Col Mike Smith, JSPC Netheravon

A letter had been circulated, with attachments, dated 22 September 2005 from Lt Col Mike Smith of JSPC Netheravon. The letter called to the Chairman's attention that Piers Roberts aka Fedykin, who was currently a serving officer, had made a number of disparaging remarks on an Internet newsgroup about BPA Affiliated Centres and the BPA in general. Lt Col Smith's letter had been copied by the BPA Office to the two Centres that had been named in the printouts of Piers Roberts' newsgroup postings that had been attached to the letter, and the Centres had been invited to comment. One had sent in a letter, which had been circulated.

The consensus of the Council was that the most appropriate course of action to deal with Piers Roberts' diatribe was simply to ignore it, and thereby deny it any credence. The Chairman would reply to Lt Col Smith and the Centre that had made representations to set out the Council's position.

Action: Chairman

61.2 From UK Sport – Non-Olympic Investment Framework

A letter from Liz Nicholl, Performance Director at UK Sport, dated 20 September 2005, had informed the Chairman of UK Sport's plans to reduce the exchequer grant to the BPA to £12,600 for the period April 2006 to March 2007 with no further funding after that. UK Sport were planning similar funding cuts for other non-Olympic sports, all to take effect in November 2006. Attached to the letter were proposed funding criteria that did not rule out funding for non-Olympic sports that could demonstrate world championship medal success, although the letter stated that UK Sport's initial assessment was that only two non-Olympic sports had qualified. It did not state which sports these were or how they had qualified. The Chairman said that it appeared to him that the BPA might well qualify, depending on the results of the World Parachuting Championships 2006.

The Council asked John Hitchen, as UK Delegate to IPC, to report to IPC that UK Sport proposed to cut the BPA's funding because sport parachuting was a non-Olympic sport. John Hitchen said he would do this, but IPC was already well aware of the funding situation because it had been mirrored in other countries.

The Chairman said that CCPR were arranging a meeting for non-Olympic sports facing a withdrawal of funding to make representations direct to the Chair of UK Sport. He would set out a robust written response to UK Sport's proposals by their deadline of 2 December 2005.

Kieran Brady said it would be necessary to identify other areas of income for the BPA, and the Chairman agreed that this would need to form an important part of next year's Action Plan. Kieran Brady offered one suggestion, which was to use skills coaching roadshows to help to generate funding for competitors. John Smyth suggested the 2006 Council should set up a focus group to brainstorm ideas and report to the Council with policy options.

61.3 The Phil Gibbs Trophy

A letter of 22 August 2005 from Lt Cdr Phil Gibbs had been circulated about the trophy he had kindly donated to the BPA in 1999. The trophy, which was available for inspection, had been received inscribed "The Gibbs Trophy - Most Improved Display Team". The Chairman reported that unfortunately, this dedication was considered at the time to be impractical for two reasons (i) it may be taken to imply that any recipient team may have been poor to start with; (ii) it would be difficult to select and monitor criteria on which the performance of teams could be objectively assessed, on a continuing basis, for the award of the trophy.

The Council re-stated the above and regretted that it was still not in a position to adopt the trophy. The Council also noted that it would, unfortunately, probably cost more than the value of the trophy to have it re-dedicated to something else: and in any case there is no other trophy at present needed for award at the BPA AGM. The Chairman would reply to Lt Cdr Gibbs.

Action: Chairman

61.4 Entertainment at the annual dinner dance

Nigel Holland proposed, and Andy Scott seconded, a motion that the band *Mr & Mrs Swing* (who had successfully performed at the Artistic / FS 8-way Nationals) should be invited to perform (in addition to the disco) at the BPA Dinner Dance in Hinckley on Saturday 21 January 2006 at a cost of £400.

Carried unanimously

62/05 Report on the Royal Aero Club

John Smyth (BPA Delegate to RAeC) reported on the RAeC Council meeting that had been held on 27 September 2005. Discussion had taken place about the European Aviation Safety Agency (EASA) and cuts in UK Sport funding for non-Olympic sports. Dr Peter Saundby, the RAeC's Medical Representative on FAI, was planning to retire from this role and was looking for someone to shadow him for the next two years before taking over from him. The RAeC had asked the BPA to ask Dr John Carter, BPA Medical Adviser, whether he would be interested to take on this work. The Council agreed that John Smyth should ask Dr Carter.

Action: John Smyth

John Smyth reminded the Council that nominations for this year's RAeC awards needed to be made by no later than 14 November 2005. The Council considered the name of one nominee, and John Smyth asked that the names of any other suggested nominees should put forward to him in good time for him to prepare the written citation required by RAeC.

63/05 Recognition of the BPA staff at Christmas

At the request of the Chairman, this item was held in camera and the BPA staff and others left the room.

The Council decided to thank the paid staff of the BPA for their hard work during the year. Eddie Jones proposed, and Elizabeth Stoodley seconded, that (i) a Christmas bonus of the same amount as last year should be paid to the staff in December 2005; (ii) a sum of £200 should be made available for a BPA Office Christmas lunch for the nine members of staff based there. For the avoidance of doubt, the Chairman said that this lunch was being provided by the Council for the staff, in the Council's role as an employer. This was not a lunch for Council Members as a few within the Membership had mistakenly inferred from similar minutes in previous years. Council Members received no remuneration or benefits in

kind from the BPA: their only entitlement was to claim reimbursement of their out-of-pocket expenses in travelling to meetings, etc.

The staff and others then rejoined the meeting and Tony Butler thanked the Council for their kind gestures to the staff for Christmas.

64/05 Tribunal procedures

The Chairman said he had made a commitment earlier in the year to put forward proposals to update and improve the BPA's disciplinary procedures (the final paragraph of minute 27 of the Council meeting on 19 April 2005 refers). He had now prepared some explanatory notes.

The Chairman said it was his intention tonight to seek agreement to the concept of moving from the present disciplinary procedures to a new tribunal system. He would then consult further with the staff and come back to the next meeting with a document detailing tonight's proposal. The key point was that he recommended that the BPA should move to a separate tribunal system similar to that already in place at a number of other sports national governing bodies.

At present time, Panels of Inquiry, STC and Council were burdened with the decision on innocence or guilt and, if the latter, the level of penalty to be imposed. Under the proposed new system, all STC or the Council had to do was to decide whether the respondent had a case to answer and, if so, to convene a tribunal. A tribunal would comprise a Member of Council, a Member of STC and a Member of another sporting association. This process was more demonstrably fair and unbiased than the present arrangements, which were now in the Chairman's view some years out-of-date.

In discussion, the Council considered the alternative option of using Alternative Dispute Resolution (ADR) for the new disciplinary procedure. Whilst ADR met the criteria of a robust and reliable procedure, it would cost significantly more to use because of the third party element. There would also need to be a signed agreement by each BPA Member to submit any disputes to ADR. On balance, the high costs of ADR precluded it from further consideration.

John Page then proposed, and Andy Scott seconded, a motion that the BPA should move to the tribunal system of the kind outlined in the Chairman's paper.

Carried unanimously

65/05 Date of next meeting

Tuesday 6 December (after the EGM) at 1830 at the BPA Office, Glen Parva, Leicester.

The Chairman reminded Council Members that, should they wish to stand for election to the 2006 Council, their completed nomination form had to reach the BPA Office by no later than noon on Monday 24 October 2005.

The meeting closed at 2320.