

British Parachute Association

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The Council

Minutes of the meeting held on
Tuesday 9 October 2007 at 1830
at the BPA Office, Wharf Way, Glen Parva, Leicester

Present:	Eddie Jones	-	Chairman of Council
	Paul Applegate		
	Adrian Bond	-	Communications Chairman
	John Horne		
	David Ibbotson		
	Paul Ledden		
	Ian Marshall		
	Paul Moore		
	John Page	-	Vice Chairman of Council & Competitions Chairman
		Grant Richards	
	Mike Rust		
	Weed Stoodley		
Apologies for absence:	Robin Durie	-	Development Chairman
	John Smyth		
In attendance:	Tony Butler	-	Technical Officer
	Debbie Carter	-	Treasurer
	Lesley Gale	-	Editor, Skydive the Mag
	John Hitchen	-	NCSO
	Martin Shuttleworth	-	Secretary-General
Observers:	Kieran Brady		
	Colin Fitzmaurice		
	Pat Hammond		
	Craig Poxon		

Item Minute

76/07 Minutes

With the addition of John Horne's name to the list of those present, John Page proposed, and Paul Applegate seconded, a motion that the minutes of the meeting held on Tuesday 14 August 2007 should be approved as a correct record. This carried unanimously.

Approved

77/07 Matters arising from the minutes of the meeting on Tuesday 14 August 2007

77.1 Memorial service for Sir Rowland Whitehead, Bt (minute 56)

This would be held at 1100 on Friday 19 October 2007 at St Sepulchre-without-Newgate, London. Tony Butler would formally represent the BPA. The Chairman hoped other Members would also be able to attend. Information had been published in the October issue of *Skydive the Mag*.

77.2 Significant areas for sports (minute 58.2)

The Chairman reported that Sport England had requested further information in order for it to process the BPA's application for recognition of all 19 BPA Affiliated Drop Zones in England as 'Significant Areas for Sports'. The Office would contact the Clubs & Centres involved to request this information.

Action: BPA Office

77.3 Council nomination form (minutes 58.2 & 70)

The Office had published the nomination form for Council 2008 in accordance with the decisions of Council set out in minutes 58.2 and 70.

Completed

77.4 BPA posters for Clubs & Centres (minute 58.4)

Tony Butler had arranged for a number of blank BPA posters with various information, safety and skills coaching roadshow headings, to be printed free of charge through the good offices of BPA Member Mark Willson. The posters were available to Clubs & Centres free of charge if collected from the BPA Office. The Chairman thanked Mark Willson and Tony Butler for their help.

Completed

77.5 Vice President's Inquiry (minute 60)

John Horne confirmed that he had written to the complainant on behalf of the Council along the lines that the Vice Presidents had indicated.

Completed

The Office would circulate a copy to the Council in the next weekly post.

Action: BPA Office

77.6 Memorandum & Articles of Association (minute 61)

Jim Crocker, a Vice President, had advised that any special resolution to change Article 47, covering the deadline for voting in a Council election, should go to the AGM. The Council (minute 61) had decided to put it to the EGM in December 2007. However, Jim Crocker had subsequently advised that, in his opinion, as the electoral process had already started with the call for nominations (minute 77.3), any variation duly agreed by the Membership could not take effect until the following year's election (ie, elections for the Council in 2009 and onwards). He therefore suggested that a special resolution should be put to the AGM on 12 January 2008 on this, and he had kindly offered to assist in drafting the suggested re-wording of Article 47.

The Chairman pointed out that there were other anomalies in the Memorandum & Articles of Association. For example, Article 61, which at least is stated: "The Council shall have the Power to appoint a President Vice President and Patron." He said that the Council had, in fact, appointed *four* Vice Presidents.

John Page said he was sure Members would vote early if the BPA, as was its custom and practice, provided them with a postage-paid ballot card and explained that the Council was looking to update the Memorandum & Articles of Association to reflect current practice. The Council noted that custom and practice, for many years now, had evolved to be at variance with Article 47, such that Article 47 needed to be brought into line as soon as possible.

In response to a question about the mechanism of how the election would be carried out, the Chairman said there had been no formal proposal for any change from the status quo.

Ian Marshall therefore proposed, and Mike Rust seconded, a motion that the status quo of custom and practice in recent years regarding the arrangements for the election of Council 2008 should apply, in the event that the number of candidates exceeded the number of seats and thereby triggered an election.

Carried unanimously

The Council asked the Office to put a note on the BPA website and in the Magazine to complement this item in these minutes in explaining the situation to Members.

Action: BPA Office

Note

Further to correspondence after the meeting, and on receipt by the BPA Office of 21 nominations for the 15 seats on Council 2008, thereby triggering an election, the Council noted that the above resolution was officially beyond its powers and that the Council was bound by the wording of Article 47. As implementation of Article 47 caused logistical difficulties and had given rise to concerns from the BPA staff, the Chairman recommended that the Council should instead invoke Article 48, which was available as an alternative to Article 47, and allowed administration of the election to be contracted out to Electoral Reform Services (ERS). He recommended that the Council ask ERS to administer the election for Council 2008.

The result of the e-vote was: For - 9, Against - 3, No response - 2 **Carried**

ERS had estimated the cost of a vote at £3525 for a paper system plus £750 for an Internet option too, if required. The Chairman believed that this would be a good opportunity to offer Members, on a trial basis, the option of voting by Internet and asked the BPA Office to arrange this.

Action: BPA Office

For the avoidance of doubt, the Chairman called for a second e-mail vote by the Council as to whether the ERS-administered election should include the option of voting in the Council 2008 election by Internet.

The result of the e-vote was: For - 10, Against - 0, No response - 4 **Carried**

Any variation to the wording of Article 47 to remove the present anomaly needed to be put to the AGM as a special resolution. This process could be started by publishing a notice in the December issue of *Skydive the Mag*. Because the copy deadline was before the next Council meeting, the Chairman asked the Office to liaise with the Vice Presidents for advice on the updated wording of Article 47. The Chairman then considered this advice and asked the Office to put out an e-mail to the Council for an e-vote on the simplest form of words that captured the intention, by recommending that the Council put the special resolution set out below to the AGM.

The result of the e-vote was: For - 12, Against - 0, No response - 2 **Carried**

Special resolution to the AGM on Saturday 12 January 2008

Notice is hereby given that, under item 2 of the AGM agenda (published on p34 of the October issue of 'Skydive the Mag'), a special resolution will be put to the AGM to update Article 47 of the Memorandum and Articles of Association of British Parachute Association Ltd.

The existing wording and proposed new wording are set out below. The wording of Article 48, which it is not proposed to change, is also included for information. The purpose of the change is to allow a BPA-administered election to set a cut-off date for voting earlier than the start of the AGM. Article 48 already allows this for an externally-administered election. The intention is therefore to update Article 4 to bring it into line with Article 48.

Existing wording:

47 Members shall vote for not more than 15 candidates and return their ballot papers duly marked to the [BPA] Office so as to arrive at the latest on the date prior to the date of the meeting or prior to the date of commencement of the Meeting or hand them to a properly authorised person at the Meeting. The 15 candidates (or if a lesser number be nominated, that number), receiving the most votes shall be announced at the Meeting and shall form the New Council.

48 Alternatively, the election process for Council may be conducted by an independent organisation such as the Electoral Reform Society or any such similar body, according to

the agreed rules of said body and The British Parachute Association and subject to any changes said body may adopt from time to time.

Proposed new wording:

47 Members shall vote for not more than 15 candidates and return their ballot papers duly marked to the [BPA] Office so as to arrive at the latest on such time and date as the Secretary-General may determine. The 15 candidates (or if a lesser number be nominated, that number), receiving the most votes shall be announced at the Meeting and shall form the New Council.

48 [Unchanged]

77.7 Annual Dinner Dance – Saturday 12 January 2008 (minute 71)

Jon Gretton had kindly agreed with his band that they would perform at the AGM Dinner Dance on Saturday 12 January 2008 at the Hinckley Island Hotel. The Council expressed their gratitude.

The Council advised the Office on negotiations with the Hotel over the dinner, which would be a 'Tastes of the World' buffet. The aim was to secure the best value for Members, and thereby encourage patronage of the dinner, for which the BPA was contractually obliged to the Hotel to pay for a minimum of 150 covers.

Action: BPA Office

78/07 Ratification of minutes of Subcommittees

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

78.1 Development Committee meeting on Tuesday 14 August 2007

With correction of the spelling of 'Cametrix' in minute 26, Adrian Bond proposed, and Grant Richards seconded, a motion that the minutes of the Development Committee meeting held on 14 August 2007 should be ratified. This carried unanimously.

Ratified

78.2 Communications Committee meeting on Tuesday 14 August 2007

Adrian Bond (Communications Chairman) proposed, and Paul Applegate seconded, a motion that the minutes of the Communications Committee meeting held on 14 August 2007 should be ratified. This carried unanimously.

Ratified

78.3 Safety and Training Committee meeting on Thursday 27 September 2007

John Hitchen (STC Chairman) reported on an issue that had arisen in relation to the first Tribunal held under the BPA's new disciplinary procedures. Paul Ledden proposed, and Weed Stoodley seconded, a motion for the Office to progress this.

The vote was: For – 5, Against – 4, Abstentions - 2

Carried Action: BPA Office

John Hitchen reported that a second disciplinary Tribunal was in prospect, on a matter referred by STC. There followed discussion on the mechanics of the Tribunal procedure. The Chairman said that, after the next Tribunal had taken place, it would be appropriate to convene a small working group to consider the experience of running the first two Tribunal hearings under the BPA's new disciplinary procedures with a view to making any refinements that might be appropriate.

Action: Future meeting

John Page then proposed, and Paul Applegate seconded, a motion that the minutes of the STC meeting held on 26 September 2007 should be ratified. This carried unanimously.

Ratified

78.4 Competitions Committee meeting held on Wednesday 26 September 2007

After making typographical corrections to the draft minutes, John Page (Competitions Chairman) proposed, and Ian Marshall seconded, a motion that the minutes of the meeting of the Competitions Committee held on Wednesday 26 September 2007 should be ratified.

Ratified

John Page highlighted a number of key points from the minutes. He said that the dates of the Nationals and Grand Prix in 2008 could not sensibly be arranged until the dates of all relevant international meets were known. In response to a question from the Chairman, he said that he would not be able to guarantee that the dates would be known in time for the print deadline of the BPA calendar 2008.

John Page also reported that he had received a number of complaints from competitors about judging at the CF Nationals. These centred on a conflict between the definition of a grip in the FAI and BPA rules. The matter was ongoing, because he still needed to bring all the parties together to consider the issue. The lesson to be learned was that the BPA rules had exactly to mirror FAI rules unless any variation was consciously made by the BPA, which it had not been in this case.

Ongoing

A request from Ian Marshall and other BPA Skills Coaching Roadshow CF coaches for funding to buy canopies for smaller-framed jumpers, who statistically included more women - whom the coaches were keen to encourage to take up CF as they were under-represented - was considered. The Chairman said that, on the advice of the TO and NCSO, the BPA should not itself purchase parachuting equipment because it would be liable for its maintenance and upkeep. After discussion, Ian Marshall proposed, and Weed Stoodley seconded, a motion that Pat Hammond could back claim up to £1500 unclaimed roadshow coaching expenses to which he was entitled but had never claimed. Pat Hammond gave an undertaking that he would use the money to buy new canopies for smaller-framed CF jumpers and to be used at BPA Skills Coaching Roadshows. The ownership of the canopies would be his. The vote was:

For – 8, Abstention – 1 (Ian Marshall)

Carried

79/07 Reports on Committee meetings held earlier today

79.1.1 Development Committee

Adrian Bond (who had been in the Chair) reported that the Development Committee had:

- received a report on insurance from David Hickling, Chairman of the Insurance Subcommittee (minute 79.1.2 refers);
- made a recommendation to the Council that Affiliated Clubs & Centres should be covered by BPA insurance, this being the status quo. Adrian Bond duly proposed, and John Horne seconded, a motion that Council supports this recommendation from the Development Committee. The vote was For – 9, Against – 2 (Grant Richards and Mike Rust).

Carried

Items 79.1.2 and 83 also relate to Clubs and insurance.

79.1.2 Insurance Subcommittee

A report on the BPA's meeting with Drop Zone Operators (DZOs) on insurance that had been held at the BPA Office on 6 September 2007 had been circulated to the full Council. This had been considered earlier today by the Insurance Subcommittee that had duly reported to the Development Committee. The Insurance Subcommittee was pursuing the action points set out in the report.

Grant Richards called attention to a proposal he had made to the BPA meeting on 6 September on variations in the allocation of the insurance premium from the 2008/9 insurance year. The Chairman said that consideration of this proposal had necessarily been deferred

until the insurance quotation/s the year 1 April 2008 to 31 March 2009 inclusive had been received, at which time it would be considered.

Action: Insurance Subcommittee

Tony Butler said that, at the DZOs meeting on insurance, a question had been asked about whether Clubs & Centres could substitute their own insurance, for example for students, in place of the third party public liability insurance element of the BPA subscription (which also protected other parties, including DZOs). At the time, Tony Butler had indicated in good faith that his opinion was that this would be possible. However, as a result of the issue being raised at the DZOs meeting on insurance, the BPA had subsequently sought professional advice on the question. The advice received had been that the BPA should *not* offer the option of 'opting out' of the insurance element of BPA Provisional Student membership. The rationale was that the BPA was a voluntary club and third party public liability insurance was offered as an integral part of its membership benefits. Sanctioning opt-outs was to encourage cherry picking and could foreseeably cause the insurance policy to become economically unsustainable and collapse to the detriment of all who enjoyed protection under it. He assured the Council that the Insurance Subcommittee continued to leave no stone unturned in its constant quest for the best value insurance.

79.2 Communications Committee

Adrian Bond (Communications Chairman) reported that the Communications Committee had:

- established a working party to consider, with the Editor, possible updates to the Editorial Services Contract between the BPA and Lesley Gale for production of 'Skydive the Mag';
- decided to go ahead with a reprint of the Starter Magazine, with minor updates, in February 2008 but that, in response to concern expressed by certain Affiliated Drop Zones, it would not carry advertising by non-Affiliated Drop Zones in its capacity as a house Magazine of the BPA.

80/07 Reports from Club Reps

Paul Ledden (Central Club Rep) reported that he had visited Langar and Hibaldstow during September 2007. Most Members he had met had been generally content. The main issues they had raised had been the Mag and insurance. There were no points he needed to raise for discussion at Council.

81/07 Report from the Royal Aero Club

John Smyth (BPA Delegate to RAeC) reported in absentia that RAeC had issued a call for nominations for RAeC Medals and Awards 2007. He invited suggestions for nominees, together with a draft citation or at least the key points in support of the nomination, to reach him by the end of October 2007.

Action: Council Members / Members

John Smyth had persuaded the consortium at Silverstone that was thinking of bidding for the World Championships in Canopy Piloting in 2008 not to do so. This was on the understanding that it was likely an established Drop Zone outside the UK would put in a bid, against which a Silverstone bid may be unlikely to prevail.

82/07 Europe Air Sports

Paul Moore reported that the European Parachuting Union (EPU) was seeking to affiliate with Europe Air Sports (EAS) to strengthen the representation of sport parachuting in Europe and the lobby against legislation proposed by the European Air Safety Agency (EASA) that if left unopposed would almost certainly have a seriously detrimental effect on our sport. He was continuing closely to monitor European developments so that issues could be flagged up in a timely manner and appropriate resources mustered to safeguard the interests of sport parachuting. The BPA Council had kindly agreed to provide the sum of one thousand Euros to EAS to help in this vital work, but EAS had not to date called on this funding.

83/07 Draft updated Club Affiliation forms

Draft updated Club Affiliation and Re-Affiliation forms had been circulated with a memorandum from Tony Butler, TO, who asked the Council to consider approving the new forms in principle. The draft new forms were more comprehensive than the existing ones, in particular they required more information from applicant Operators. Tony Butler said that the need for this information had been highlighted by a bad debt owed to the BPA (minute 84).

However, Tony Butler reported that he no longer believed it necessary for Clubs & Centres to submit a Re-Affiliation form for a change of CCI. The requirements of an individual to be appointed as a CCI were set out in the Operations Manual and BPA technical staff monitored compliance. The Council agreed.

Grant Richards and Mike Rust highlighted the updated conditions of Affiliation as set out in the draft forms, specifically condition 1d that read:

“It is required that BPA Members at BPA Clubs and the Clubs themselves be covered by BPA third party liability insurance”.

Tony Butler reported that this was a statement of the status quo re-inforced by recent professional opinion (minute 79.1.2 refers). It had been included because to date it had been implicit, and he believed the BPA needed to make it explicit because he had been asked ‘where does it say this in writing?’. He said that the conditions were nothing new, they had simply been updated and expressed more explicitly for clarity and the avoidance of doubt.

Mike Rust proposed, and Grant Richards seconded, a motion that the draft new Club Affiliation forms should be sent out to DZOs for comment, and that comments received should be considered at the next Council meeting.

Carried unanimously Action: Next meeting

84/07 Bad debt owed to the BPA

The Chairman asked that this item be held in camera, and only Council Members and staff remained for it.

A memorandum from Jon Gretton, Financial Administrator, was circulated concerning legal action he was taking through the small claims court to recover bad debts totalling £8293 due to the BPA.

Ian Marshall noted that some of the debt dated back to 2005 and sought the assurance of the Chairman, which he received, that the BPA’s credit control procedures had been reviewed in the light of this case.

Recovery of the debts had been frustrated because the debt had accrued over a period of time and there had been changes in ownership, legal status and name thereby involving more than one creditor. Several of the individuals who were individually or jointly creditors were currently working or had previously worked together in one combination or another. All creditors and hence all the debt related to the same operational site. That operational site had requested Re-Affiliation to the BPA but Weed Stoodley proposed, and Paul Moore seconded, a motion that because the proposed new arrangements involved an individual who had been involved before, during a period in which debts had accrued, the Council should not consider this application until progress had been made in clearing at least their duly accountable debt.

Carried unanimously

The existing Operator’s Affiliation to the BPA would therefore continue for the time being. The BPA was continuing to provide Provisional Student Memberships on a cash only basis. Tony Butler reported that the site had a number of technical operational issues identified in a recent routine BPA inspection and audit. The Operator was currently addressing these.

Mike Rust proposed, and Adrian Bond seconded, a motion that the ‘new’ Operator (who was an individual who had been involved before) should present themselves to Council in person before the new Application for Affiliation would be considered.

Carried unanimously

85/07 Staff Christmas lunch

John Page proposed, and Ian Marshall seconded, a motion that the Council should authorise expenditure of up to £300 (the same as in 2006) for a Christmas lunch for the eight members of staff employed by the BPA to thank them for their work for the Association during the year. On behalf of the staff, Tony Butler thanked the Council for this kind gesture.

Carried unanimously

86/07 Application for Re-Affiliation: Silver Stars

The Council considered an application (circulated) for Re-Affiliation by Silver Stars consequent on their appointment of Tony Goodman as CCI. Ian Marshall proposed, and John Page seconded, a motion that Silver Stars be Re-Affiliated.

Carried unanimously

87/07 Electronic payment authorisations

Debbie Carter (Treasurer) reported that the bank was putting on pressure for the BPA to switch its foreign exchange payments from paper to electronic authorisation. Such payments were regularly made for example for the national team to attend international meets (all self-funded competitors, who were the vast majority, had to pay the BPA first). Because the bank did not have a system for dual-password protocol, the Treasurer asked the Council to authorise Jon Gretton (BPA Financial Administrator) first to authorise any such transaction with the Treasurer by e-mail, and then arrange with the bank for the electronic transfer to be made using his password on behalf of the BPA. A similar electronic system was already in place for the authorisation of monthly staff salary payments. The Treasurer confirmed that she would continue to maintain an overview of all payments, including those made by electronic transfer of funds, and she said that all such payments would also be subject to normal financial audit.

Ian Marshall proposed, and Adrian Bond seconded, a motion to authorise the above.

Carried unanimously

88/07 Correspondence

A letter to the Council received earlier in the day had been tabled. The Council unanimously decided that the subject of the letter had nothing to do with the BPA.

89/07 Date of next meeting

Tuesday 4 December 2007 at the BPA Office, Leicester, immediately after the EGM at 1830.

The meeting closed at 2100.