



## BKFA Update

No 8 March 2009

### Chairman's message

We keep chipping away with some much needed work in the background. (See the later paragraphs on CAA and Accident Reporting).

It sometimes seems a thankless task, but occasionally the feedback is positive. On one recent occasion, it came from the other side of the world, no less!

A kite club in Tasmania was going through the same sort of insurance investigation as we have been, and their insurers were requiring some form of Code of Conduct. Having looked around, they had seen the BKFA efforts and sought our permission to use ours as the basis of their own, on the grounds that "*it is the best laid out Code I've seen so far with many of the things in it that we wanted to cover and more*". Naturally, we were happy to oblige – it really is a worldwide kite community!

Jon Caton

### Competition

We are planning to run an 'Edwardian' style kite competition at the Wirral this year, if everything comes together.

Details will come out in due course, but in outline kites are judged on the basis of steady flight, flying angle and duration of flight, as well as aesthetics and construction.

Full details will be published as soon as the competition is finalised.

### Update on Safeguarding Vulnerable Groups now on website

A reminder that following the CCPR seminar late 2007, the presentation and notes from that session are still on the website. CCPR are holding another seminar in March and Jerry Swift is attending. Further briefing notes will appear shortly after that.

The Safeguarding Vulnerable Groups Act 2006 is being progressively implemented. As with much legislation, this seems to be running late, which probably means it will end up rushed and with some unforeseen consequence. Time will tell.

The requirements for CRB (Criminal Record Bureau) checks when remain unchanged, and as a number of clubs have found, CRB checks may be required when coaching in schools and similar situations.

### Insurance update

Never give in! It is a bit like pulling teeth, but we are still talking to two insurers. Personnel changes appear frequent, which means re-starting every time, but we remain hopeful that we will in time be able to offer a suitable product.

## **Why bother with BKFA?**

A perfectly reasonable question, and frankly one we have asked ourselves on more than one occasion. Arthur Dibble writes:

“In case it helps persuade others; today I attended a meeting with Newbury Arts and Leisure with a view to doing some workshops for them. One thing they asked for was our affiliations. They were impressed when I told them we were members of the BKFA who are affiliated to CCPR and RAeC then quoted CAA and CRB requirements. I'm not sure how many of the initials they understood or I got right but it sounded good.

“So keep up the good work. Some people appreciate it.”

## **Map access**

As we said last year we are hoping to get an interactive map on the website to pinpoint clubs for would-be members. We haven't got all the technology sorted yet, but the bare bones in the form of a list of clubs by county is now on the website. If your club is missing, it may be a mistake (in which case apologies, please let us know and we will put it right), but more likely no-one has responded to Jerry to say they agree to the details being placed on the site.

## **CCPR**

CCPR continues to prove useful with a steady flow of information which we review constantly. As mentioned previously, next event is the ISA briefing, later in March.

BKFA is a member of the Outdoor Pursuits Division. The Divisions provide the forum for members to come together, to share their concerns and to direct and prioritise CCPR's everyday work. CCPR has always enjoyed strong engagement from its members and it is their contribution through the work of the Divisions which ensures that CCPR's activity remains focused and relevant.

Remember, through CCPR's corporate partners we now have access to a number of services, including insurance and Criminal Record Bureau (CRB) checks at a reasonable rate. If you need a CRB check, please contact us. We will only put forward requests where there is a clear need for the check.

## **AGM**

The draft minutes from the 2008 AGM will soon be on the website.

## **CAA**

The website now includes a draft analysis of CAP393, the Civil Aviation Authority's Air Navigation Order (including the latest amendments) which sets out the rules under which kites are flown. Remember, in the eyes of the law kites are aircraft and are thus regulated. Ignorance is not a defence.

We are currently in discussions with the CAA on a number of aspects of the Order which are unclear in their relation to kites. Whilst these are unlikely to be tested in law, with the increasing size and power of kites we feel the risk of ignoring these potential legal pitfalls is rising exponentially. It might not be the CAA that seeks a prosecution, rather an enthusiastic minor official who feels it 'his duty' to raise some perceived infringement with them, and then they are duty bound to act.

## **Risk assessment**

As if any of us needed a reminder, the wind can be a killer. The artist who created an inflatable artwork which blew away in a high wind, killing two people is to be sentenced for health & safety offences at the end of March, although he will not face a retrial on manslaughter charges, the Crown Prosecution Service (CPS) has decided.

Maurice Agis, 77, faced a four-week trial for manslaughter by gross negligence after two people fell out of his Dreamspace sculpture when it flipped over in a gust of wind while on

display at a park in County Durham in July 2006. The jury was unable to reach a verdict and was discharged. Agis, was convicted by the jury at Newcastle crown court of breaking health and safety rules in relation to the incident.

The 15m by 15m work was on display at the Riverside Park, Chester-le-Street, when a gust of wind lifted the PVC structure off the ground. The ropes tethering the inflatable sculpture did not hold it, and it broke free, flipping over and crashing into a CCTV pole, where it deflated.

A further 27 visitors were injured.

Agis will be sentenced on 26 March for the health and safety offence. Chester-le-Street District Council, which helped stage the event, and Brouhaha International Ltd, which supplied the workforce to maintain and put up the Dreamspace structure, earlier pleaded guilty to health and safety breaches, and will be sentenced at the same time.

Not a kite, but should make us all think. I would like to see the risk assessment!

### **Accident reporting**

On a related matter, we will be placing a report form on the website to be used in the event of an accident or near miss. The form is based on the CAA form for reporting ballooning accidents.

Reporting of accidents involving kites under 2 kg in weight (mass to be absolutely accurate) is not mandatory. For kites above that mass, the Air Navigation Order (article 142 and 143) is open to debate.

If we are to continue to self-regulate, which is what all other airports do and which is clearly preferable, we feel that to start to gather accident data on a voluntary basis from all clubs will reduce any likelihood of the CAA deciding it needs to formally bring us within scope.

### **Invitations**

Many of us receive invitations from overseas events of new events in the UK that may be of interest to other kitefliers. If your club receives such invitations, BKFA will always be happy to circulate to a wider audience, if you wish. Send the details to any of the associations officers.

Jerry Swift  
3 March 2009