



FLIGHT SHARING NEWS

Wingly's full response to the CAA's cost sharing consultation

Posted On December 10, 2021

Dear Pilots,

With the announcement of the consultation on the cost-sharing regulations for private pilots last week, We wanted to put forward our response publicly and give our analysis of the CAA's proposals. Having facilitated our first cost-shared flight in the summer of 2015, this analysis of the proposal will be coupled with factual user data that we have compiled throughout our years in operation.

Being the largest online platform having facilitated more than 30,000 cost-shared flights, we understand we possess a unique obligation to make this information available to all stakeholders to assist when it comes to responding to the proposed regulation changes for cost-shared flights.

As promised we are making our answers to the consultation public with detailed arguments behind every answer which are more complex than simplified yes or no questions that have been put forward to us.

Question 1:

Do you support the alignment and improvement of the regulations in order to improve the safety of cost sharing flights and to make it more difficult for them to be used as a cover for



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difficult for them to be used as a cover for illegal commercial air transport or public transport. However while we do support the main goal of this proposal, we don't support all the proposed measures.

Here is why:

✦ The argument improving the regulations that will lead to an improvement of safety

Noting Paragraph 4.4. in the proposal CAP 2270 from the CAA "Safety data does not indicate that properly and legally conducted cost-shared flights carry any more risk than similar non-commercial flights conducted without costs being shared". Wingly has facilitated more than 30,000 flights to date, without any incident under the existing regulations for which we attribute many different factors that we will list below:

Pilot currency: flying becomes less expensive and thus pilots fly more often

Pilots actively flying on Wingly are more current as they are flying more compared to a pilot flying the bare minimum of 12 hours every year to keep their licences valid. In a survey conducted earlier this year, 70% of pilots on Wingly have stated that cost-sharing with Wingly has benefitted them to fly 5 more hours per year. Out of which for 35% this even goes up to 10 more hours per year. We believe that currency from flying frequently massively helps pilots in terms of keeping their skills up to date making them better pilots than they would be otherwise. On March 2nd 2016, UK CAA even wrote a letter to Wingly saying "The aim of the exemption is to allow pilots operating within UK airspace to take advantage of the cost-sharing provision with the intention of encouraging more frequent flying by private pilots to maintain more regular flying currency and thus improving safety."

Preflight preparation and planning

In terms of pre-flight preparation and planning, Pilots on Wingly have informed us 83% plan and prepare a Wingly flight the same way as they would with the plan if they were flying with friends, 14% went on to further say that they prepared even more meticulously when it came to flying with Wingly passengers.

There is no obligation for any flight to be conducted and flights can be cancelled by the pilot at any time for any reason.

As a first statistic, more than 40% of flights on Wingly are cancelled or don't happen on the initially booked date because of bad weather. It is very clear to pilots on Wingly that they have no obligation to go forward with any flight and can cancel at any time and for any reason should they not wish to do so be it the weather or otherwise. Moreover, they only list flights online that they themselves want to do as they also contribute toward the costs. 95% of pilots have said Wingly briefed them enough on the possibility to cancel their flight for any reason.

89% of Wingly pilots have already cancelled or postponed a flight due to bad weather. The passengers are already made aware that flights can be cancelled at any time even before booking, and in this instance, they are simply automatically refunded their share of their costs. 74% of pilots in our survey agreed that Wingly brief passengers well about the particularities of GA. There has never been any pressure or ever would be pressure to conduct a flight for a pilot regardless if passengers are contributing a share of the costs toward a flight.

The average flight happening rate from when a booking is accepted to it taking place on the date varies throughout the year due to weather. In terms of cost-shared flights booked on Wingly the average completion rate from when a flight is booked and then takes place without a cancellation/full refund is around 47% whereas in comparison to our Wingly PRO Flights operated on a non-cost sharing basis by our partner schools clubs holding an ATO/DTO or AOC's in the UK this number drastically jumps up to around 89% of flights taking place when booked.

Moreover, we make it even easier to do so as it can be done via Wingly in a matter of a few clicks and passenger costs are automatically refunded without the need for pilots to justify an explanation as Wingly provides prefilled templates to explain why flights were cancelled. Our evidence shows that 86%



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When studying the CAA proposal, the main problem highlighted in 1.5 is where “pilots and passengers of Illegal Commercial Air Transport collude to present illegal flights as legal cost shared flights”

Being the leader in facilitating online cost shared flights we have a responsibility to our users as well as aviation authorities that regulate us to ensure that flights on our platform ensue within the rules. Moreover, to do so, we have built mechanisms and checks and balances self regulate our platform that would make it very difficult to advertise illegal for-profit flights as cost sharing and thwart unscrupulous users from trying to use our platform in an attempt to financially earn a profit from these flights.

Moreover, on a fully transparent flight sharing platform such as Wingly that is publically visible, we are able to track and keep a record of usage data, as well as the financial contributions since this all takes place digitally. We have the ability to track each flight performed and the contribution of the passengers as well as the pilot costs within each transaction, essentially you can follow the money if ever there is a doubt.

Hence the argument that an illegal CAT flight or PT flight taking place under all this scrutiny on a flight sharing website would not make much sense and would just get reported to the CAA by us. Moreover, we have always been provided data to the UK CAA in terms of the costs involved as well as the money transferred to the pilot if ever there was uncertainty.

Lastly, the fact that a legitimate way to take part in a cost-shared flight like Wingly exists that can educate the members of the public toward general aviation, would only make it even more difficult for an illegal operator to feign operating along the cost sharing lines. We believe that we are helping consumers to have even more knowledge beforehand to make an informed decision giving them better tools to select a legal flight as opposed to an illegal one.

All this said we want to point out that illegal operators of such flights would not use transparent websites but clandestine channels or networks as evidenced in the recent trial of D. Henderson. We have not been able to identify how any of these new regulations would be able to tackle these illegal operators.

Question 2:

Do you support the proposal to amend both the ANO and the Air Operations Regulation to include a ‘common purpose of travel’ requirement for each cost-shared flight if not A to A? YES NO NO OPINION / DON'T KNOW

Our answer is “NO”: we object to the introduction of ‘common purpose’. the definition of common purpose is unclear and hence we do ask the CAA for further clarification regarding this.

To analyse further and have a deeper understanding of this data and its effect on Wingly usage, the majority of flights advertised are leisure-based, *98% of pax understood that their flight was Leisure oriented (sightseeing flights or day trips) and not for transportation. It is better than two years ago when it was 93%.*

In the UK, 77% of all Wingly flights that have taken place have been A-A flights, 21% being A-B-A excursion flights (such as day trips to have lunch on the isle of wight) and only 2% of the flights have been A-B flights where a pilot advertises a flight they are doing and find passengers that have been willing to go with them.

This is why flights that do take place will always return to the starting point of the flight, as the pilots would want to have the cost shared for the entire trip. In a pure A-B flight, the pilot would only be able to receive a contribution when the passengers were not on board on the way back hence would not take place unless the pilot needed to visit anyways.



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However, by enforcing a common purpose rule, it might now make normal and honest pilot cost-sharing decisions potentially illegal while still cost-sharing and it still does not increase the inherent safety of the flight.

Lastly, with regards to stopping illegal operators, would the enforcement of a common purpose rule prevent them from operating illegally? If they are already colluding to declare they are cost-sharing what then stops them from colluding to say they have a common purpose? Again, we fear that instead of stopping activities in the grey zone of the regulation, this measure would only harm honest pilots for whom cost shared flights are a way to fly more often and thus be safer and better pilots.

Question 3:

Do you support the proposal to amend both the ANO and the Air Operations Regulation to include an 'equal shares' requirement for each cost shared flight? YES NO NO OPINION / DON'T KNOW

Our answer is "NO", we do not support equal cost sharing to become the regulation. However, we already push equal sharing to our pilots as the guideline to follow in order to keep a buffer of safety with the regulation.

Equal Sharing:

While the current cost-sharing rules have not defined what proportion of the costs the pilot needs to share. The Wingly platform has always put as a guideline the flight must be shared equally between all occupants of the aircraft (including the pilot) through our platform's mechanics. Additionally, on a platform like Wingly, we can directly see the estimated costs for a flight with an aircraft to match this with data we have acquired over the years. The money that is transferred to the pilot is traceable and there is a clear paper trail should this ever this data be needed to be investigated.

And the fact that it remains a guideline and not the law creates a margin of safety for the pilot with the law. However, if equal sharing is now enforced as the rule, pilots who are sharing flights on Wingly could now be liable to prosecution in the instance of a tailwind cutting their flight a little shorter. Thereby making them pay 45% of the costs rather than 50% in a 2 person flight. While in each instance no profit has been made. The safety of the flight is also not additionally compromised due to the added 5% cost paid by the passenger. We need to understand that today, the strict line between a legal and an illegal flight, is making a profit, as opposed to sharing some costs. Under existing regulations, by giving private pilots the guideline to share their cost equally, we allow them to keep some distance with that line without being at the risk of going on the illegal side of the law. Enforcing equal cost sharing as the regulation however, would mean moving that safety line thereby putting honest pilots at risk or simply demotivating them to conduct cost shared flights which would mean them flying less per year which is bad for safety.

By legally enforcing equal sharing, the rules will remove this valuable safety net that pilots have benefited from when this event occurs. Moreover, by no means will this ever stop the illegal transport operators who have been breaking the rules as they never operated cost-sharing flights, to begin with. Again, while the initial goal of the proposal would be to fight illegal grey charter, the main result would be demotivating honest pilots to conduct cost shared flights which are a way to help them to fly more and be safer pilots.

Question 4:

Do you support the proposal that all passengers should complete a Passenger Declaration and Consent Form to ensure



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NO NO OPINION / DON'T KNOW

Our answer is "NO" we do not support passengers to go through compulsory and regulated Passenger Declaration, however, we strongly believe that safety documents of this kind should be made available by all means to passengers going on light aircraft. Wingly would be happy to send these documents via email to all passengers and pilots as we have always done using the platform itself. We have similar safety checklists created by the EASA that we engaged ourselves to share with all Wingly users through the signature of an EASA safety charter. Moreover would like to do so when the UK CAA forms its own charter.

Being the largest flight-sharing platform as well as the longest-running platform in the UK, Wingly has facilitated cost-shared flights with more than 61,000 passengers on board. In terms of a study conducted on Wingly passengers earlier in the year, for *56% of passengers, it was their very first time flying in a light aircraft of fewer than 6 seats.*

To have the safest flights possible we also need both pilots and passengers to understand the risks involved. Wingly not only has a passenger declaration for flights booked on Wingly but we put forward a briefing to both pilots and passengers with regards to sensitising them to light aircraft flying as well as flying with passengers. The pilot conducting the flight also goes through a briefing with their passengers on the day of the flight. Our study shows that *98% of passengers remember their pilot briefing them on the do's and don'ts of light aviation and 69% confirmed they received the Safety checklist sent by Wingly via email a few days before their flight.* Throughout this period the flight can be cancelled at any time should the pilot not wish to go ahead and the passengers are simply refunded their share of the costs. Our survey shows *98% of passengers understood that their flight could have been cancelled in event of bad weather or otherwise and 19% of the respondents had already had their flight rescheduled to weather at least one time.*

Moreover, with regards to the regulations themselves, making sure passenger users understood these regulations, *98% of passengers understood that their flight was leisure-oriented and not for transportation. It is even better than two years ago when it was 93%. Whereas 91% of passengers in the UK understood that Wingly pilots are cost-sharing and not earning profit themselves paying a share of the cost when conducting this flight.*

This is why we believe that additional legal paperwork would not change what we already do and only put pilots at risks in terms of legal responsibility, and neither will this prevent illegal operators, however. We extend our willingness and experience in this sector to work with the CAA to develop an extensive briefing for pilots as well as the implementation of the UK Cost-sharing charter. As we did in the past with the EASA charter when the UK was a member state.

There is also a difference between safety materials made available to the public and waivers enforced by the regulation putting the responsibility on the pilot. We believe it is great to create a safety culture around cost-shared flights, but dangerous to create too many layers of red tape where some pilots could become liable not because of pilot error, but because they would have forgotten to file and sign a new additional administrative paper.

Question 5:

Do you think that the proposed amendments to both the ANO and the Air Operations Regulation will have a financial impact on cost sharing flight platforms? YES NO NO OPINION / DON'T KNOW

Our answer is YES, we foresee that these proposed amendments to the regulations would have a negative impact and potentially will have a detrimental financial impact in many cases as it would have an impact on the usage of the platform by pilots.

Having studied these amendments here are some of the reasons why:



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even if defined in the strictest sense it might render many legal and genuine cost sharing scenarios that currently exist as illegal, when in either instance they are not profit-making for the pilots and are currently legal within the existing regulations.

Equal cost sharing:

If equal cost sharing is legally enforced, to not breach the law, and have a margin for error, pilots would now need to share costs unequally against them which would lead to them paying an even larger proportion of the costs compared to the equal sharing they already do on Wingly within the current regulations. This would make it more inconvenient for existing pilots that are cost sharing as they will save less and hence fly less than what they are normally used to, and for new pilots that are looking to start cost sharing, it would make it less attractive to now sign up and take part. With the current regulations on Wingly, they are already contributing equally not earning a profit which is why we foresee a negative impact.

Direct Costs:

While not in the list of initial questions, we do want to point out the new proposal has also defined what can be considered as direct costs. We have documented that the real direct costs are invariably greater than fuel and oil consumed for a flight. As an aircraft has parts that need to be replaced after a certain amount of hours and hence an hourly cost for these parts can be ascertained. Parts of the aircraft such as the engine and the propellor can very easily be justified based on usage cost per hour. Now, while these costs are factored in when it comes to an hourly rental cost for a renter or a group owned aircraft in terms of the direct costs that can be shared. Private owners are not able to include these and hence are unable to share these costs when we do know that these costs are a direct result of a flight taking place.

For Wingly, aircraft owners are not an isolated circumstance or minority when it comes to the demographic of pilots who are cost sharing. *We estimate to have more than 2000 owner pilots who have signed up which make up around 11% of the total pilot sign-ups on Wingly. Moreover in the UK, more than 16% of the pilots advertising flights online are aircraft owners. This is despite the existing regulations lack of clarity and dissymmetry by which owners are being made to share in our estimation around 48% less compared to renters or joint owners.* We also regularly have pilot owners asking us what direct costs they can share and due to lack of clarity we are also unable to provide a precise answer. Moreover from the data, we have gathered so far even more owners would take up cost sharing on Wingly if the regulations would allow for them to factor in their genuine direct costs as opposed to how it is today.

For aircraft owners, we consider that allowing them to share only the fuel and landing fees costs as direct costs are unfair. We acknowledge that at least all the variable costs should be taken into consideration, such as the hourly costs for the engine, the propeller as well as the 50 hours and 100-hour maintenance checks that have not been included. And it would also make sense to allow them to share a proportionate amount of the fixed annual costs.

By not addressing this in the proposal, we consider that this will only further impair usage of Wingly by pilots who own their aircraft and continue to make it unclear for existing owners who are cost sharing.

Nevertheless, we remain positive that the CAA will find a solution that addresses these points above and we will always offer our help and expertise in this area so that the outcome will allow cost-sharing pilots to be able to share their passion for flying and do it in the spirit that the existing regulations were always designed for.

Moreover, The differentiation of cost-shared flights from illegal grey charter operations will only help alleviate the confusion amongst stakeholders. Furthermore, creating clear blue water between transparent flight-sharing on a publically visible platform as Wingly as opposed to the highly dangerous illegal transport conducted through clandestine channels. This move will only further promote the use of cost-sharing as well as the use of Wingly in the UK General Aviation ecosystem. This in turn would positively transform many pilots, insurance providers, airfields and flying schools attitudes and views



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consultation is the following:

- Remove the 'common purpose' requirement for each cost shared flight
- Remove the equal cost sharing requirement and keep the existing border: a flight is considered commercial and thus illegal for a private pilot when they make a profit, and legal if they pay a share toward the flight.
- Update the Direct Cost definition by adding other examples of Direct Costs incurred mostly by pilots who own their aircraft.
- Transform the legal Passenger Declaration and Consent Form into safety guidance materials made available to both pilots and passengers. Wingly would be happy to sign a Safety Charter with the CAA engaging itself to share those documents with all its users each time they plan to do a flight.

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Setrag Chilingirian December 10, 2021 at 6:44 pm

REPLY

Many thanks for representing pilots who have difficulty funding the whole flight by themselves and thus getting "rusty" plus flying with other pilots we increase our knowledge and discuss why we do things the way we do this sharing knowledge too.

Bob Beresford December 10, 2021 at 7:09 pm

REPLY

Dear Wingly,

I have read with interest your response to the CAA proposals and I should like to say that your replies to the points raised make sound, economical and safety sense. As a Wingly pilot since 2017, I see no opportunities for unscrupulous operators to use the platform for grey charters and I don't believe any other Wingly pilots would want to. We simply enjoy being able to practice our hobby more frequently because of passenger contributions, thus keeping our skills up to date and polished. Safety is never compromised as we explain a lot of our procedures with the passengers, most of whom thoroughly enjoy the flights and write interesting testimonials.

Please keep up the good work, both making private flying more affordable and introducing new candidates to the sport

Yours sincerely,
R. A. Beresford



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Giles Eagin December 11, 2021 at 9:13 am

REPLY

Thank you for your efforts.
Regards
Giles. PPL. Sherburn Aero Club.
Yorkshire

Bruce Dean December 11, 2021 at 2:52 pm

REPLY

This well written and comprehensive response has statistical evidence as fact to illustrate that cost sharing can be a safe and sensible way for a pilot to fly more hours per year. Unnecessary tightening of rules or new rules could be detrimental and actually become a negative safety enhancing factor as pilots fly less hours per year.

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