

**THE ROLE OF AIRPORT CONSULTATIVE COMMITTEES
AND
GUIDELINES FOR BEST PRACTICE**

1. INTRODUCTION

1.1 Efficient and thriving airports are essential to national prosperity in the twenty first century, but to the communities in which they operate they can be a mixed blessing. On the one hand they give the nation improved communications and trade, and the surrounding area gets more employment opportunities, economic growth and increased local authority income. On the other hand, they impact on the environment and can generate the need for substantial local authority investment.

1.2 Obviously, the larger the airport the greater its effects. A major international airport tends to dominate both the economy and the environment of the area in which it is situated. Airports therefore create conflicts of interest. It is obviously healthy, both for the affected communities and for the airport operator, for these conflicts of interest to be resolved wherever possible or, where this is impossible, for them to be mitigated through dialogue and better understanding on all sides. This is one of the main functions of Airport Consultative Committees together with such matters as securing adequate levels of service for users of airports and responding to national and international proposals for standards and legislation relating to or generated by airport activities.

2. STATUTORY BACKGROUND

2.1 Most Airport Consultative Committees are constituted pursuant to section 35(1) of the Civil Aviation Act 1982 (as amended by the Airports Act 1986) which states:

'This section applies to any aerodrome which is designated for the purpose of this section by an Order made by the Secretary of State.

The person having the management of any aerodrome to which this section applies shall provide:

- for users of the aerodrome;
- for any local authority (or, if the persons having the management of the aerodrome is a local authority, any other local authority) in whose area the aerodrome or any part thereof is situated or whose area is in the neighbourhood of the aerodrome; and
- for any other organisation representing the interests of persons concerned with the locality in which the aerodrome is situated,

adequate facilities for consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests'.

2.2 The Act does not define 'adequate facilities' which is left to the airport operator to decide. The Government has circulated guidance for Airport Consultative Committees, a copy of which is attached hereto.

3. REPRESENTATION

3.1 Representation on Airport Consultative Committees is in practice varied and it is important that each Committee should have the discretion (often, in practice in consultation with the airport operator) to decide on the scope and level of representation it will accept based on local circumstances and practice

Independent Chairman

3.2 It is important that the Chairman should be independent of the Airport and of the various interests represented on the Committee – and, indeed, of any other interest in, or affected by, the Airport. Appointment of the Chairman by the Airport need not compromise his/her independence but perceptions are important and care is required both in framing the arrangements for appointment and for ensuring that the Chairman is unfettered, and is seen to be unfettered, in carrying out his/her duties in a fair and independent manner. Such appointments should be made in consultation with, and with the approval of, the Committee. The appointment of the independent Chairman should be for a minimum period of three years although there should be no prescribed maximum period of appointment. The Chairman should receive appropriate remuneration based on the local circumstances and workload.

Secretariat

3.3 A properly resourced secretariat should be appointed to ensure the effective working of the Committee.

Representation

3.4 Local authorities within the sphere of influence of airports should be represented, augmented by local resident and/or amenity groups where this is considered appropriate and necessary. It is important that commercial and trade bodies, including airlines and airport freight operators, are represented on the Committee. Passengers should also be represented via such bodies as the Association of British Travel Agents and the Consumers Association, and independent individuals representing passenger interests.

3.5 Whilst it is important to limit the number of committee members to a manageable size, it is essential that all those affected by or involved in the operation of an airport have access to a representative who can speak on their behalf.

4. THE NEED FOR AIRPORT CONSULTATIVE COMMITTEES

4.1 The Department of Transport, Local Government and the Regions (DTLR) has the primary responsibility for matters relating to civil aviation, including the general duty of organising, carrying out and encouraging measures for the development of civil aviation.

4.2 The airport operators and DTLR therefore have great powers which can and do have a considerable influence on the lives of thousands of people who live within the surroundings of airports. It is easy to see how the individual, whose life is affected by this enormous and rapidly growing industry, could feel helpless to influence decisions which are affecting his or her life. This is why an effective mechanism has been provided for interests, other than those of airport and aviation emphasis, to be heard.

4.3 The Consultative Committee helps to provide a focus for communication between the decision-makers and those affected. The DTLR and the airport operator can explain their proposals and future policies to the Consultative Committee and invite its comments in the knowledge that they are discussing these matters with representatives of the interests affected. Similarly the Consultative Committee can react to local pressures and opinion to draw the attention of the Government and the airport operator to the problems which the airport is causing to the local community, both at present and in the future, and to seek remedies for them. However, the Committee should also be proactive in introducing proposals to the Government and airport operator to help balance the needs of the community with those of the airport.

4.4 The Consultative Committee can also help the local community by seeking, and acting as a repository of, reliable information because it is very easy for partial information or exaggeration to provide a breeding ground for rumour and widespread disquiet. Thus, even if conflicting interests cannot be reconciled, the Consultative Committee can promote better understanding between the parties so that the dialogue can be constructive rather than destructive. An effective Consultative Committee can be seen to be acting with objectivity and balance amongst a welter of interests, each with its own particular point of view.

5. LIAISON BETWEEN AIRPORT CONSULTATIVE COMMITTEES

5.1 The Chairmen and Secretaries of the principal Airport Consultative Committees meet annually to discuss common issues. This provides a useful forum for the exchange of information on, and discussion about, common problems such as noise pollution. Each year a different airport hosts the conference so that Chairmen and Secretaries can build up their knowledge and experience of the nation's airport facilities.

6. EFFECTIVENESS OF THE CONSULTATIVE COMMITTEE

6.1 Airports generate employment opportunities, stimulate economic growth and create the need for improved infrastructure and public transport etc all of which can greatly benefit those living in their catchment areas - and Consultative Committees play a useful part in ensuring that the interests of the people they represent are taken into account in such developments, however it must be borne in mind that Consultative Committees are advisory and not executive. They have no powers to enforce or impose their recommendations. Their effectiveness therefore depends entirely upon their powers of persuasion and on the

goodwill of those involved. Furthermore, Consultative Committees by virtue of their constitution, must seek to hold the precarious balance between the interests of civil aviation, of passengers and other users of the airport and of the people living in the area, and of the local environment. If they espouse one or other of these interests to the exclusion of the others, their credibility will be diminished and they will therefore not achieve their full potential in their objectives. However, because they do hold the balance and therefore must seek consensus and compromise, they have to run the risk of seeming ineffective on occasion to those who are single-minded in their support of (or opposition to) one or other of those interests. Committees, almost by definition, cannot fully meet the hopes and expectations of all interests concerned.

6.2 The achievements of Consultative Committees may perhaps be listed as follows:

- (1) They provide a forum for informed discussion leading to the provision of advice and/or recommendations to both the Government and airport operators – in the form of a consensus but including minority views where these are significant
- (2) They provide the means and basic information for informed discussion on the various issues generated by the operation of the airport and those interests which are affected by it; its members are enabled thereby to bring an informed viewpoint to the discussions which take place in the bodies which appoint them.
- (3) They disseminate information by some or all of the following means:
 - press reports of proceedings at meetings;
 - wide circulation of Consultative Committee papers;
 - publication of annual reports;
 - publication of information on the Internet where this facility is available.
 - arranging public meetings;
- (4) They provide evidence of all aspects of the issues facing the airport and thereby equip representatives to take a balanced view of the matters before the Committee.
- (5) They help to establish the airport as part of the local and wider community mitigating the tendency for such a large successful industrial complex becoming an ‘island entire unto itself’.
- (6) Their very existence is evidence that Government accepts that the airport does impact on the surrounding area and is willing to discuss those issues which arise from this; and the dialogue which they have established enables

the Government to demonstrate its commitment to the principle of consultation.

7. **GUIDING PRINCIPLES FOR BEST PRACTICE**

7.1 The following guiding principles for Best Practice are recommended for consideration by Consultative Committees:

- the Chairman should be independent of the airport operator and of any other interest represented on the Committee – or, indeed, of any interest in, or affected by, the airport and its operation. The Chairman should be appointed in consultation with, and with the approval of, the Committee. The fact that the Chairman may in practice be appointed by, and be paid by, the airport operator should in no way compromise his or her independence but the arrangements for the appointment, and for the operation of the Committee, should be framed in such a way that this is not only assured but is seen to be assured. The appointment should be for a minimum period of three years although it is felt that there should be no prescribed maximum period of appointment. The Chairman should receive appropriate remuneration based on the local circumstances and workload;
- a properly resourced secretariat should be provided to ensure the independent and efficient working of the Committee;
- the term of office for representatives should be more than one year to enable them to develop a good base of information regarding the work of the Committee;
- meetings of the Committee should be held at a suitable venue acceptable to the Committee;
- although it should not be a requirement of the Committee to have an independently appointed aviation adviser and/or environmental adviser, such or similar should be appointed if local circumstances warrant it and in any case the Committee should be able to seek advice from a wide range of sources as and when necessary – such as from local authority officers and airport staff;
- meetings should be open to the press and public at the discretion of the Committee;
- the minutes of the meeting should reflect the range of views and advice and/or recommendations to the airport operator put forward by members and should not merely reflect the majority viewpoint;
- the airport operator should be required to meet the reasonable costs of administering the Committee and any cost sharing among the members of the Committee which might be appropriate in certain circumstance should be a matter for local consideration;
- the Consultative Committee should ensure the publication on a regular basis of information about the major issues it has considered either by regular written reports or on the internet or both.

AIRPORT CONSULTATIVE COMMITTEES RESPONSES

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
1.1	<p><u>INTRODUCTION</u></p> <p>Regarding the reference to the financial burden falling on local authorities, airports can, of course, generate substantial amounts of business taxes as well as those property taxes paid by their employees, both on and off airport, which go at least some way towards meeting these costs. (HEATHROW)</p>	Accepted. The text has been amended to reflect this comment.
1.2	<p>The emphasis on "local communities", particularly in relation to the "major international airports" mentioned, is unfortunate because for such facilities, any conflicts of interest may well extend for significant distances away from the airport itself and certainly beyond any "local" interests. (HEATHROW)</p> <p>There are other main functions of ACCs not mentioned which should be acknowledged such as securing adequate levels of service for users of airports, responding to national/international proposals for standards and legislation relating to or generated by airport activities. (HEATHROW)</p> <p><u>REPRESENTATION</u></p>	Accepted. The text has been amended to reflect these comments.
3.1	<p>We disagree strongly with the last sentence of para. 3. The interpretation of Section 35 (refer agenda for the 25th ACC's meeting, page 26, para 2.1) is incorrect, to say the least and certainly Section 35 does not cover <u>any</u> right on the airport operator to decide which organisations are represented on the committee. On the basis of that seriously flawed interpretation</p>	Comments noted. However, who is represented and who decides who is represented is surely something that has to be decided by individual airports/committees depending on local circumstances. The text has therefore been revised to accommodate the views expressed.

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
	<p>the airport operator could pick and choose which organisations (or representatives of organisations?!!) were represented on the committee and we see no way such an interpretation could comply with Section 35, so this point is irrelevant. (PRESTWICK)</p>	
3.1	<p>Reference '<u>in consultation with the airport authority</u>'. There is no reference to this in Section 35 or in the guidelines of 1987. In view of this these words on lines 2 and 3 should be deleted. (PRESTWICK)</p>	" "
3.1	<p>The Chairman has sympathy with the view put forward by Mr. Moon and considers that the roles of Committees regarding membership should be (a) to have an opportunity to advise the airport operator of suitable bodies which might be represented on the ACC; and (b) to be consulted on the person(s) who might represent those bodies. (STANSTED)</p>	" "
3.2	<p>There is a need to emphasise that it is not just the Chairman who should be independent of the airport management but also the members of the Committee. It should be set out that members of the airport management or staff attend only in an advisory capacity. I am aware of certain airports where management purports to a part of the Consultative Committee and directly influences its decisions. (HEATHROW)</p>	<p>How the Chairman is appointed and who appoints him is surely something that has to be decided by individual airports/committees depending on local circumstances. It is essential that airports are represented at committee meetings since it is the airport that in fact is doing the consulting — but whether or not the airport representatives should actually be members of the committee is open to question.</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
3.4	<p>The ACC Chairmen MUST be independent. Para. 3.2 states ' such appointments should be made in consultation with, and with the approval of, the Committee'. So, effectively the airport operator appoints the Chairman regardless of the result of consultation with the Committee. If the Committee does not approve the airport operator's choice, what happens? Surely if the Chairman is to be truly independent he must be appointed by the Committee, in no other way can he be independent and <u>BE SEEN TO BE INDEPENDENT</u>.(PRESTWICK)</p> <p>The "Fairoaks" High Court case emphasised the need to ensure that local residents groups are adequately represented on ACCs - Fairoaks Aerodrome management lost their case when they claimed that the local authorities on their consultative committee adequately represented local residents interests. (HEATHROW)</p> <p>There is a need to recognise that at some airports, freight is sufficiently large a throughput to warrant representation from that industry on the committee and perhaps rather than referring to "individual" passenger representatives it would be more accurate to refer to "independent individuals representing passenger interests". (HEATHROW)</p> <p>Local 'representative groups' are mentioned in the paper but not local 'amenity groups'. These are important bodies to airports located in rural areas.(STANSTED)</p>	<p>All comments noted. The text has been revised to reflect the points made.</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
4.1	<p>Line 2. Delete 'in the case of the largest airports'. This point is irrelevant. (PRESTWICK)</p> <p>We both feel strongly that the size of Committees must be restricted if they are to be effective. This view is shared by the airport operator. (STANSTED)</p> <p><u>THE NEED FOR AIRPORT CONSULTATIVE COMMITTEES</u></p> <p>This paragraph omits any reference to the Civil Aviation Authority which still exercises a variety of functions concerning airports - the current review of charging policies at the BAA London and Manchester airports, the Secretary of State's recent Guidance to the Authority on reducing, controlling and mitigating the impact of aviation on the environment when it exercises its air navigation functions, its statutory duty to promote the interests of the air transport industry, the activities of the consumer protection group, the licensing of aerodromes etc. (HEATHROW)</p>	<p>Accepted.</p> <p>Noted. NEW SUB-PARAGRAPH 3.5 suggested. "Whilst it is important to limit the number of committee numbers to a manageable size, it is essential that all those affected by or involved in the operation of an airport have access to a representative who can speak on their behalf."</p> <p>Pointed noted and the DTLR's guidance to the CAA is welcome. However, because the CAA does not have a <u>primary</u> responsibility for matters relating to civil aviation no reference is required. If a Committee has any issue relating to the functions of the CAA then they can be invited to attend a meeting.</p>
4.2	<p>The point about the CAA applies here equally. The reference to "neighbourhood" tends to play down the extent of the quite widespread areas which can be affected by ground public transport and highway links, housing demand, competition for labour and overflights. (HEATHROW)</p>	<p>Noted. The text as been amended to accommodate this view.</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
	I think a less emotive description should be used here, bearing in mind that consultative committees are supposed to represent a very wide range of all of the interests involved with using and being affected by airports. I think it would be preferable to say "...to see how individuals whose lives are affected by the activities of a particular airport..." (HEATHROW)	The existing wording reflects the primary objectives of the Committees and therefore it is suggested that the current text be retained.
4.3	There is an undue emphasis here on the negative aspects of airport activities, particularly with the emphasis on aircraft noise, when there are some quite positive aspects within the scope of ACC interests and the terms of reference of a committee may well include reference to recognising or publicising the achievements of the airport as, indeed, do those of the Heathrow and other BAA airport's consultative committees. (HEATHROW)	Accepted. The text has been revised.
4.3	After line 8 'and to seek remedies for them' add: 'Equally, the ACC should react to external influences which could affect the operation or operational costs of the airport and where appropriate, and after consultation with the airport operator, make representations to Government.' (PRESTWICK)	Noted. However, it is considered this would destroy the burden of what is being said.
6.1	<p><u>EFFECTIVENESS OF CONSULTATIVE COMMITTEES</u></p> <p>Again this paragraph tends to highlight the negative aspects of airport activity with the references to the local environment. There are no references to the local or regional economy, provision of public infrastructure and of public transport, jobs etc, all of which are very legitimate interests for a consultative committee to pursue, particularly now with the requirement to</p>	<p>A good point. An additional sentence at the beginning of this subparagraph should be included:</p> <p>"Airports generate employment opportunities, stimulate economic growth and create the need for improved infrastructure and public transport etc all of which can greatly benefit those living in their</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
7.1	<p>have a Transport Forum and to feed plans into the local authorities transport plans. (HEATHROW)</p> <p><u>GUIDING PRINCIPLES FOR BEST PRACTICE</u></p> <p>Our view on the appointment of Chairman is covered in 3.2 above. (PRESTWICK)</p>	<p>catchment areas - and Consultative Committees play a useful part in ensuring that the interests of the people they represent are taken into account in such developments, however”</p> <p>Also, some text revision.</p> <p>As mentioned above at 3.2, these are matters to be determined locally.</p>
7.1	<p><u>Term of Office of Representatives</u></p> <p>There seems to be some confusion between the 'organisations' represented and the individual(s) representing these 'organisations'. The individual is no concern of the committee or the airport operator. Also, we at least permit 'alternates'. This is clearly a matter for organisations represented. Section 35 makes no reference to any of this. (PRESTWICK)</p> <p>On bullet point 3, this should be more positive. It is, of course, for any nominating authority to decide for how long to appoint their representative and with local authority representatives, this may be a problem after elections are held but it would be much more positive to delete the word "ideally" and give positive advice that any appointments need to be for more than one year so as to be effective. (HEATHROW)</p>	<p>Noted. This should be decided by individual airports/committees depending on local circumstances.</p> <p>Accepted. The text has been revised.</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
4.1	<p data-bbox="237 285 1077 320"><u>SUMMARY OF PROCEEDINGS OF WORKING GROUP</u></p> <p data-bbox="237 400 1043 472">Add 'The Annual Meetings are for Chairmen and Secretaries, or their substitutes' (PRESTWICK).</p>	<p data-bbox="1099 285 1928 357"><u>COMMENTS ON THE SUMMARY OF PROCEEDINGS OF WORKING GROUP</u></p>
5.1	<p data-bbox="237 520 1021 624">It would help if Secretaries were provided with a list of Chairmen and Secretaries and their addresses and telephone numbers (PRESTWICK).</p>	<p data-bbox="1099 520 1850 584">It is suggested that all correspondence should go through Secretaries.</p>
5.2	<p data-bbox="237 679 1077 1278">Assuming the proceedings as written in 5.2 are accurate then perhaps the reason for the matter being raised is clear. We are aware of the situation within ACCs in BAA airports, especially in respect of the appointment of Chairmen, and it would appear that BAA regard their airport's ACCs as part of BAA management and consequently BAA ACCs are not independent! The proposal for BAA to second 'a suitable employee' does not appeal and certainly it would be inappropriate for all ACCs to make a small contribution to support the costs. The priorities of employee status, not to mention the dominant position of BAA, would put the seconded employee in an impossible position as regards impartiality. Some of us recognise that the very competent work required, mainly for the Annual Meeting, do an excellent job for us all but when a priority situation arises they have little choice for to favour a BAA airport.</p> <p data-bbox="237 1326 1066 1430">It is difficult to see an easy solution to this that will not involve serious expense and it is likely that non BAA airports would be unhappy with that! (PRESTWICK)</p>	<p data-bbox="1099 679 1962 743">The matter of support for the Consultative Committees is a matter for the annual meeting. See attached draft paper.</p>

Para.	<u>COMMENTS ON THE DRAFT GUIDELINES FOR BEST PRACTICE</u>	<u>Comments</u>
	<p>A 'small contribution' could be small for BAA airports but could be large for a smaller airport ACC. (PRESTWICK)</p> <p>Our ACC is for example, completely independent and relies on contributions from the member organisations as recommended in the original Dept. of Transport Guidelines 1987. (PRESTWICK)</p> <p>We assume no decision on this will be taken by the Working Group without further consultation with all ACCs. In the extreme this situation could result in a 'split' between BAA and non BAA airports and we guess Government would go along with BAA. (PRESTWICK)</p> <p>Have you any indication of the size of contribution which might be sought? (HEATHROW)</p>	<p>See attached draft proposal.</p>