

# Update of the Guidelines for Airport Consultative Committees



Response from the Aviation Environment Federation  
14<sup>th</sup> February 2014

**The Aviation Environment Federation (AEF)** is the principal UK NGO concerned exclusively with the environmental impacts of aviation. Supported by individuals and community groups affected by the UK's airports and airfields or concerned about aviation and climate change, we promote a sustainable future for aviation which fully recognises and takes account of all its environmental and amenity effects. As well as supporting our members with local issues, we have regular input into international, EU and UK policy discussions.

## 1. Introduction – the importance of airport<sup>1</sup> consultative committees

- 1.1. We are pleased to have the opportunity to comment on the new draft guidelines proposed by the DfT as this is an important issue for a wide cross-section of our members concerned with both aerodromes of all sizes. We have also contributed in the past to the development of the legislation and subsequent revisions to the guidelines. This is an evolving process that needs to reflect best practice and emerging thinking on consultation, so we welcome the Department's decision to assess current practices and to draft appropriate amendments.
- 1.2. Finding local solutions to the tensions between stakeholders and airports is a central part of Government policy, and airport consultative committees (ACCs) have been promoted as vital to achieving effective outcomes. The recent Aviation Policy Framework advocated for ACCs to be more effective and play a stronger role in noise management at individual airports.
- 1.3. We view ACCs as one of the methods by which airports should engage with local stakeholders. They can be effective at relieving the tensions between communities and airports and even in promoting sustainable development. Our membership includes individuals and community or residents groups represented on over 20 consultative committees. Collectively, they have a great deal of firsthand knowledge of the workings of committees and we have drawn upon this to inform our response to the consultation.
- 1.4. Overall, we would like to praise the DfT for making some significant improvements in the latest draft guidance for ACCs. We are particularly pleased to see the inclusion of a code of conduct which could help to address some of the concerns raised by community representatives. We also believe the set of principles for ACCs provides a basis on which all consultative committees can be judged, regardless of their size and the function of the aerodrome.

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<sup>1</sup> In this consultation, the AEF applies the same meaning of airport and aerodrome as the DfT, which means they are used interchangeably when referring to aerodromes of all sizes.

- 1.5. However, we would like to draw attention to our concerns about the implications of removing the statutory requirements to consult and what this could mean at some aerodromes where legislation currently ensures that affected communities have a right to be listened to. We would also like to use this opportunity to call for the introduction of an arbitration process to mediate and defuse potential conflicts arising from the implementation of this guidance. This could be a function for the DfT or for a new independent noise authority and would reflect modern practice in dispute avoidance.
- 1.6. We understand the importance of sharing best practice and learning from the mistakes or challenges. We have sought the views of our membership but we note some of them have been unable to submit a response before the set deadline. We will nevertheless forward any further inputs we receive for the DfT to consider.

## **Answers to consultation questions and examples of best/worst practice**

### **2. Section 35**

#### **2.1. Do you agree that Section 35 remains a useful way of ensuring that different interests concerned in the operation of an airport are consulted in a fair and equal manner?**

- 2.1.1. To the AEF and our members, Section 35 is essential to ensure that designated aerodromes have a statutory duty to consult all interested local stakeholders in an equal manner and we strongly oppose removing it. We feel the existence of Section 35 give local communities some legal basis to complain if they feel they are not being consulted adequately or fairly. As such we would say that we broadly agree with the statement in the consultation covering note for the new guidelines about the Department's view with regards to Section 35.
- 2.1.2. The Act sets out who should be consulted but is vague in respect of process and objectives. Consequently, the guidelines are limited in scope and are constrained by the legal mandate. The AEF has long-pressed for a change to Section 35. Until this happens, we believe that consultative committees will find it difficult to resolve issues when there is a perception that they are not operating effectively.
- 2.1.3. The new guidelines outline that the Government expects all aerodromes to "communicate openly and effectively with their local communities and users of the airport about the impact of their operations" and that effective consultation should be good practice at all airports. Indeed, in the responses to the Airport Policy Framework document posted online, many of the responses by the public expressed an opinion that all airports should have consultative arrangements.
- 2.1.4. **Recommendation 1:** The DfT currently attends the ACCs at several of the larger aerodromes. However, these appear to primarily be in the South East. In order for the DfT to ascertain whether Section 35 is effective, we would recommend attending committee meetings at smaller designated aerodromes and further afield.

2.1.5. **Recommendation 2:** The Section 35 legislation should be maintained but the Government should aim to improve the wording to ensure that it clearly underpins the revised guidelines.

2.1.6. **Recommendation 3:** We recommend that a process of arbitration is set up and convened when local solutions are not forthcoming to rule according to section 35. An example of where a local conflict was not been solved locally is a dispute between local councillors and the aerodrome owners involved in the Joint Consultative Committee at Sywell Airfield, near Northampton. Details of the dispute are available on the aerodrome website<sup>2</sup> and it appears that a new committee exists without the involvement of certain local authorities. An arbitration process could have helped to prevent this. Where local consultation continues to fail, many of our members feel strongly that the DfT should use this as a trigger to consider the discretionary powers available to the Secretary of State to regulate local impacts. A clear statement of intent in this regard could also serve as an incentive to make consultation work.

## 2.2. **Would it be possible to achieve these objectives in a non-statutory way – for example by the use of best practice guidance alone?**

2.2.1. As stated, we welcome the new guidelines for ACCs and view them as significant improvements when compared with the last revision in 2003. However, the current guidelines are often not followed, even by the larger designated airports. We therefore have concerns about how the new guidelines can be policed to ensure compliance. We feel the voluntary nature of the guidance could be viewed as optional and therefore the concept abused. For similar reasons, we would be concerned if statutory obligations for designated airports were removed.

2.2.2. The suggestion to remove statutory obligations was introduced in Aviation Red Tape Challenge to “allow airports greater flexibility in their community engagement” while many responses to the Airport Policy Framework (APF) argued for ACCs to play a stronger role. Without a statutory basis, we wonder how the Government could hope to achieve this goal.

2.2.3. We would also be concerned about how far reliance on “best practice” guidance alone, which is open to interpretation, would enable the objectives of consultation and communication to be effectively achieved. For example, if a community group were to be unfairly excluded from an ACC, how could they make an effective case without a statutory basis? Many of our members believe non-prescriptive guidance has failed to produce effective consultation and, whilst the new guidance might be an improvement, the omission of detail could still undermine its effectiveness and adoption.

2.2.4. The DfT could support achieving the objectives of Section 35 by improving communication and interaction with all airport consultative committees so that the Government can assess how well the guidelines are actually followed. This relates to **recommendation 1** to help the Government assess whether Section 35 is actually effective.

## 2.3. **Are there any areas where a statutory approach imposes unnecessary or disproportionate costs?**

2.3.1. We do not believe there are such areas as the Act specifies neither the form nor governance for consultation. As the new guidelines outline in **1.4**, effective consultation should be a matter of good practice at all airports and the statutory obligations of Section 35 complement this

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<sup>2</sup> <http://www.sywellaerodrome.co.uk/jcc.php>

objective. The costs of consultation are limited compared to those associated with running an airport. For example, we were made aware by our members of the effectiveness with which Redhill Airport functions despite having a very limited budget (see **Case Study 1**).

2.3.2. We believe there is a case for the DfT to play a more active role in ensuring that the legislation is delivered and makes a difference to hard pressed communities. A concern raised by our members is that there is currently no provision for arbitration or appeal to an outside body, other than through expensive litigation, when a member believes an ACC is not operating in accordance with the principles. This is a possible role for a new independent aircraft noise authority. Could the DfT deliver on this if Section 35 were removed?

2.3.3. **Recommendation 4:** If it is suggested to the DfT by some ACCs that the statutory guidelines impose excessive costs, we recommend that the DfT investigate the evidence for claims made before acting to remove any legislation.

### 3. Principles

#### 3.1. **Q: Do you agree the principles described in Chapter 2 provide a common basis for all consultative committees to work to?**

3.1.1. We believe that the DfT's principles contained in the new guidelines are very positive as all consultative committees can be judged by them, regardless of size. The inclusion of principles for ACCs also demonstrates the willingness of the Government to take onboard suggestions made in the consultation prior to the Aviation Policy Framework which highlighted a need for ACCs to demonstrate greater transparency and independence. We do however have concerns about whether the small General Aviation aerodromes will apply the new principles.

3.1.2. We would like to emphasise that minimal resources are required for all consultative committees could deliver on these principles. However, we understand that different airports have different levels of resources that can be provided to consultative committees. We have therefore provided two case studies: first, Redhill Aerodrome consultative committee has been recommended to us as an example of good practice, effectively delivering several of the principles on a limited budget (**Case Study 1**); second, we have included some information about the 'Alderstafel' at Schiphol Airport in the Netherlands to illustrate what could be achieved by the UK's largest airports if they provided the necessary resources to their ACCs (**Case Study 2**).

3.1.3. Our inclusion of examples of good and bad practice is based on internet research of the designated airports as well as the perspectives of our members.

3.1.4. **Recommendation 5:** In line with the widening of the target audience of the guidelines to include members of ACCs, we suggest that the DfT outline a series of general indicators for members and the public to help them to assess whether their ACC is achieving the various principles. We suggest that the indicators be examples of best practice.

3.1.5. **Recommendation 6:** The guidelines should explicitly suggest that the principles should apply to the chair and secretary as the embodiment of consultative committees. However, the chair and secretary should also follow the code of conduct outlined in section 4 of our consultation response.

### 3.1.6. **Case study 1: Achieving the principles at smaller aerodromes – Redhill Aerodrome Consultative Committee**

An AEF member highlighted Redhill Aerodrome as an example of best practice in a small aerodrome. The ACC achieves ‘independence’ as the Chair and Secretary are not associated with any interested party. The meeting is always held at a neutral venue (not at the aerodrome). The aerodrome management engages with the committee, thereby achieving the ‘constructive’ principle. The committee is quite large for the size of the aerodrome ensuring it captures a range of views. Regarding ‘transparency’, one meeting a year being open to the public and an annual report is published.

### 3.1.7. **Case study 2: World leading consultation - the ‘Alderstafel’ at Schiphol airport in the Netherlands**

The ACCs at the UK’s largest airports can be compared to the ‘Alderstafel’ at Schiphol Airport which has been referred to by the Airports Commission as best practice in building consensus amongst diverse stakeholders. The committee’s high quality website (<http://www.crosnet.nl/index.php?id=1> in Dutch) delivers well on paragraphs 2.13-2.16 in the guidelines. The committee also recently published a video explaining their work: <http://www.youtube.com/watch?v=AIPW215MT20>. The ACCs at Heathrow and Gatwick could perhaps offer similar levels of public information to the Alderstafel.

### 3.1.8. **Independence**

We fully support this principle and are pleased that the DfT explicitly acknowledges that the perception of independence can be influenced by how ACCs are funded.

- **Recommended Indicators:**
  - The ACC should have its own website, linked to the airport’s, so that the committee is able to upload information without airport approval.
  - An independent Chair appointed through public appointment principles of merit, fairness and openness; must not be involved with any sectional interest.
  - An independent minute taker.
  - Neutral venue outside of the aerodrome paid for by the ACC.
  - Annual report including breakdown of how funds are spent by the committee.
  - ACC members chosen by the committee, not by airport management t.
- **Examples of Good Practice:** East Midlands ACC: the EMACC has made efforts to tackle the perceived lack of independence of the committee by taking on a freelancer to write the minutes of the meetings so that the discussion in meetings is reported independently.
- **Examples of Bad Practice:** Members often report that Chairmen and Secretaries are often appointed directly by the airport management without the committee being involved in the decision or the positions being advertised. This can create a perception that there are close links between the operator and the chairman without any clear independence. Thirteen of the designated airports under section 35 have an independent ACC website.

### 3.1.9. **Representation**

We support this principle but many of our members have reported that they feel their ACC is not representative. This sentiment was echoed in the responses to the APF, where the

response document lists 78 responses as highlighting a need for “*wider, more balanced membership of ACCs*” (see 2.25.5). This principle is also applicable to members of the ACC representing the views of those they are representing.

- This principle similarly applies to outcomes of ACC meetings. The draft guidelines highlight in paragraphs **3.3, 3.16, 3.17** of the need for ACCs to try to reach consensus and the role of the Chair to “*draw together a range of views into a coherent conclusion*”. However, the guidelines should be clear that the Chair should articulate the range of opinions displayed if consensus cannot be reached and the strength and variety of views should be displayed in any outcomes from the meetings.
- **Recommended Indicators:**
  - A list of committee members available on the airport or ACC website. Members representing the public, such as councillors, should advertise themselves as being on the committee and contactable.
  - Minutes of meetings and any reports produced should reflect different opinions across the committee.
  - Having an open meeting once a year where members of the public are able to ask questions means that their concerns can be represented on the committee if they are not given the opportunity via their local authority.
  - Every representative should appoint a deputy so that every member of the committee is represented at each meeting.
- **Examples of Good Practice:** Stansted ACC has a public question session at the beginning of each meeting. The names of the members of ACCs were available online for 30 of the designated aerodromes.
- **Examples of Bad Practice:** An AEF staff member experienced at a Gatwick ACC meeting that, despite there being a large committee, the single representative group of environmental and amenity concerns appeared to lead to a lack of balanced representation at committee meetings. However, this is a subjective view and the balance of the committee is open to interpretation.

### 3.1.10. Knowledgeable

Paragraph **2.9** outlines the importance of this principle for members in terms of the views they represent, including airport management, community groups and local authorities. We agree that there is importance for ACCs to be able to draw on external advice but only within the scope of the other principles such as independence (Para **2.11**). - The consultant should be commissioned by, and should report directly to, the Consultative Committee using a budget made available by the aerodrome operator. In this way the consultant will be seen to be impartial.

- **Recommended indicators:**
  - Use of external advice when necessary.
  - Induction provided to new members of the ACC about the committee and the function of the aerodrome.

- Documents such as terms of reference and committee procedures published on ACC website.

### 3.1.11. Transparent

We view this as a vital principle for ACCs. A major issue with the effectiveness of ACCs in many cases is the fact that they are not visible to the public. The transparency principle makes it easier for the Government to assess whether adequate facilities for consultation are being provided. We particularly agree with the statement made in paragraph 2.12. We support the statements made in paragraphs 2.13-2.16 as being examples of indicators for transparency but outline more below.

- **Recommended indicators:**

- Websites:
  - Information easily available about the ACC on the airport website. This was true for 35 of the designated aerodromes.
  - Availability of contact information for the ACC. 29 airports had some form of contact information available whether postal address, phone or email.
  - Terms of reference or committee constitution available online. 21 aerodromes published some form of terms of reference or constitution while two more linked to the current DfT guidelines.
    - Information about the whether the Chair is independent and the appointment process. 17 websites stated that the Chair was independent and 15 also made statements about who appoints the position.
    - Statement about whether the meetings are open to the public. 23 aerodromes had information saying explicitly yes or no.
  - Availability of consultation responses on webpage.
  - Minutes available online. 30 of the aerodromes had posted minutes of meetings within the past 12 months.
- Meetings open to the public: of information found online, 12 committees stated they were open to the public at least once a year while three were open at the discretion of the Chair and two allowed the public to submit questions beforehand.
- Methods to increase public knowledge: an example being the video produced by the Alderstafel at Schiphol Airport.
- Use of social media
- **Examples of Good Practice:** we would like to cite any of the ACCs that have at least one meeting a year open to the public and those with websites providing a helpful level of information.
- **Examples of Bad Practice:** Several consultative committees, even of some bigger airports, are not open to the public, or only open at the discretion of the Chair. While carrying out research for the AEF consultation response, the AEF was refused admittance as an observer to Southend ACC and Fairoaks ACC which we would like to name as not demonstrating a reasonable level of transparency. We also believe there is no excuse for the five existing designated airports which do not make any mention on their websites of their ACC.

### 3.1.12. **Constructive**

We view this principle as essential for improving the effectiveness of ACCs and it supports the desire in the APF for ACCs to take a more leading role. If applied in conjunction with other principles such as being representative, the airport can gain an idea of the issues and genuine improvements can be made. Applying this principle, and paragraph **2.19**, should mean that information provided early on by an airport on developments can be critically looked at to examine impacts on the different stakeholders and how the airport can respond. This would encourage an evolutionary process rather than a reactionary or adversarial approach. We acknowledge it may be necessary to hold parts of meetings in private so that paragraph **2.19** can be delivered.

- **Recommended indicators:**
  - Production of position papers and/or consultation responses by the committee which demonstrate on which points a committee agrees and on which issues have differing opinions.
  - Evidence of airports consulting ACC early enough about their plans. This should be referenced in minutes of meetings, even if details cannot be disclosed.
- **Examples of Good Practice:** one of our members highlighted how, in the long term, the work of the East Midlands ACC has led to improvements in the airport's night noise policy.

### 3.2. **Q: Are there any additions or alternatives that should be considered?**

3.2.1. The Consultation Institute produced a series of principles in their Consultation Charter<sup>3</sup>, which overlap well with those presented in the new draft guidelines. We list them below because there are some slight differences which the DfT may like to consider.

3.2.2. **Integrity:** this refers to honest intent of the consultation and so is applicable to members but also the airport operators. The meaning has similarities to the 'constructive' principle but emphasises that there must be some willingness on the part of an airport operator, to be influenced by the outcomes of the committee so that the process is worthwhile.

3.2.3. **Visibility:** all those who have a justifiable right to participate in a consultation should be made reasonably aware of the exercise. This relates to the transparency principle.

3.2.4. **Disclosure** of information: this applies to both the airport disclosing accurate information and the representative body also highlighting the presence of any significant minority opinion.

3.2.5. **Accessibility:** this applies to both the transparency and representative principles.

3.2.6. **Fair interpretation:** this applies to the committee and is relevant to the representative principle, particularly when producing documents by the Committee.

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<sup>3</sup> Available here: <http://www.consultationinstitute.org/#/consultation-charter/4572480510>

## 4. The Code of Conduct

### 4.1. Do you agree that a Code of Conduct would be a useful way to ensure members participate constructively in the work and discussions of the committee?

4.1.1. Yes, we agree that a code of conduct would improve the effectiveness of consultative committees. From our members' experiences, the success of committees is largely down to the personality of participants and good guidelines need motivated and interested people to deliver them. We believe the code of conduct is needed as advice to members of what is expected of them. We would emphasise though that it is important that part of the responsibility for the effectiveness of consultative committees remains with the committee itself and the Chair and Secretary.

4.1.2. **Recommendation 6:** Responsibility for the constructiveness of the committee does rest, in part, with the members, but it is important that members are supported by having access to the guidelines and being able to share best practice (as we outline in section 5). We recommend that the Department for Transport acts to ensure that the guidelines are well publicised on their website and the websites of ACCs applying the guidelines.

4.1.3. **Concern with the code of conduct:** We would like to raise the question in reference to **recommendation 3** on the case for an arbitration process: How accountable is a committee if it uses this code of conduct as a reason to exclude people or groups from the ACC?

### 4.2. Does the draft Code adequately reflect what should be expected of committee members?

4.2.1. We broadly agree with the principles contained in the draft code of conduct. Of particular importance are commitment and participation as a key issue raised by member's lack of engagement from certain LAs but also representatives of the airport management.

4.2.2. **Recommendation 7:** We believe the guidelines should explicitly outline that a code of conduct should apply to the Chairman, Secretary and Airport Management and highlight where their responsibilities differ. We outline our tailored code of conduct for these roles below:

4.2.2.1. **Chair.** We support the idea that Chairman should be appointed in line with the process used for public appointments – merit, fairness and openness. The Chair should also demonstrate all of the principles for ACCs. However, Elstree airfield has been highlighted to us as an example of where rotating the role of chair across members proved effective for 30 years according to one of our members. As such, perhaps there is some scope for local variations.

4.2.2.2. **Secretary.** As well as obeying the code of conduct for members, the secretary should not be identified with any sectional interest. The Secretary should also demonstrate the principles for all consultative committees.

4.2.2.3. **Airport Management.** As well as abiding by the Code of Conduct for all members, the airport management should willingly provide accurate information to inform discussion at the ACC.

## 5. Sharing Best Practice

### 5.1. Can you suggest some ways in which best practice can be best shared between committees?

5.1.1. We recognise the importance of the liaison group of ACCs as an established body (with 23 consultative committees participating) for sharing best practice between committees. However, only the Chair and Secretaries of ACCs are represented at the liaison group. Given that the new guidance now shifts some responsibility to members, we believe participants should also be able to participate and benefit from sharing best practice. We are open about what would be the best forum for this, but options include access to UKACCs events or to a shared web resource. As a membership-based organisation with members involved with several ACCs, the AEF is willing to assist where possible.

5.1.2. We would also like to highlight that the suggestion of informal sharing between smaller consultative committees is weak and hard for the DfT to monitor whether it is being delivered.

### 5.2. Do you agree that committees are well placed to work with other organisations on areas of common interest?

5.2.1. Yes, we believe they are but it depends how well a committee adheres to the principles set out in the ACC guidelines. However, it may be difficult if a committee is required to reach a view or take a decision. For this reason, the common interest should focus mainly on information provision.

5.2.2. We would suggest the DfT, the CAA or the proposed independent noise body as organisations that should work with consultative committees where possible.

## 6. The rest of the document

### 6.1. Do you feel the layout of the document is user friendly and easy to understand?

6.1.1. Yes, we feel that the new guidelines are much more accessible. A willingness to adopt them should be beneficial for all interests.

### 6.2. Are there any areas of the text you think need clarifying?

6.2.1. Below we outline specific sections of the text that need greater explanation but also sections that have been removed from the 2003 guidelines that are still relevant.

6.2.2. **Recommendation 8 Complaints:** In previous guidelines there was a whole section on role of committees to handle complaints. We believe this section is still required and has been raised by several members who sit on consultative committees. It should be included after paragraph 1.7. Our experience of attending the Luton ACC was that discussing trends in complaints ensured that the airport was required to justify the trends and so required to consider why the number of complaints changed over certain periods of time.

6.2.3. **Recommendation 9 Representative:** We request that the following is added to paragraph 2.8 “as well as the need for environmental controls and the mapping of both noise and safety zones.” We also believe, as stated in 3.1.9, that all members should have a substitute who can attend when required so that they are represented at all meetings.

6.2.4. **Recommendation 10 Chair:** We agree with the addition in paragraph 3.2 that the Chair should generally be appointed by the principles of public appointments but we believe that these principles – merit, fairness, openness – should be included as an annex to the guidelines.

6.2.5. **Recommendation 11 Items for discussion:** The bullet point in paragraph 3.13 “airport development” should explicitly include Airport Master Plans. Additionally, community matters that may affect the aerodrome should be added to bullet point “updates from local authorities”.

6.2.6. **Recommendation 12 Secretariat:** The wording in paragraph 3.5, “shall” is too strong for smaller aerodromes and should be changed to “would be expected to”

---END OF CONSULTATION RESPONSE---

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