

Airport Consultative Committees - new draft guidelines from the Department for Transport

Consultation plays an important role in the relationship between aerodromes and their communities, not least because Government policy prefers local resolution to issues such as aircraft noise. Around 50 aerodromes (generally the large airports plus several general aviation airfields) are required to provide facilities for consultation under Section 35 of the Civil Aviation Act, while others do so on a voluntary basis. The guidelines cover the form and structure of consultation, expressing a preference for the establishment of committees.

The AEF has a long association with the guidelines: back in 1988, the Government launched the guidance in association with the AEF and the Airport Operators Association, following lengthy consultation. The

guidelines are not binding and problems still arise that can affect local perceptions about the role and value of consultative committees. The AEF has been pushing for a change in primary legislation to address many of these concerns but successive Government reviews have focused only on improving the guidelines. The latest consultation was issued in December 2013 and closes on the **14th February 2014**.

The AEF is developing a comprehensive response. If you would like to respond to the consultation, links to the documents can be found at the end of this briefing. As a guide we have published this briefing to highlight what we consider to be the strengths and weaknesses of the current proposals.

What do we like about the new guidance?

The Department for Transport now sets out from the very beginning 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*”, rather than just those designated under section 35.

There are also two new sections to the guidelines that do significantly improve the guidelines, limited though they are by lack of legislation. The first is the introduction of a series of principles by which all consultative committees can be judged regardless of size, and the second is a code of conduct for participants that shifts a share of the responsibility for the effectiveness of the committee to the participants.

1. The guiding principles are applicable to all consultative committees and do not, in our view, correspond to greater costs. They could also set a basis for improved monitoring of the designated

consultative committees. The DfT states that all airport consultative committees should be:

- Independent
- Representative
- Knowledgeable
- Transparent
- Constructive

2. A code of conduct for participants of consultative committees is also a welcome inclusion. While the success or otherwise of consultative committees is often down to the personality of participants, the code of conduct puts an onus on participants to make committees effective by setting out expectations that should help to discourage, among other things, participants “turning up for a free lunch”. Like the principles for the consultative committee, the code of conduct has a series of components that all participants should abide by:

- Respect
- Commitment
- Declaration of conflicts of interest
- Participation
- Openness and accountability
- Confidentiality

3. One aspect that is particularly welcome is a reminder that representatives should take the time to report and consult with their nominating organisations rather than representing their individual interests.

How could the guidelines be further improved?

While we do believe that the new guidelines are a positive step forward which should increase the accountability of all consultative committees but also all participants for the effectiveness of the committee, we do believe that the DfT could go further. The improvements we believe are needed are outlined below:

1. The AEF feels that the DfT's new principles do not go far enough to set a basis for all consultative committees to operate and so we recommend the addition of the below principles recommended by the Consultation Institute:
 - Integrity – that the consultation has an honest intent. The consulter must be willing to listen to consultees' views and be prepared to be influenced when making subsequent decisions. Integrity builds on the constructive principle.
 - Visibility / accessibility – that all those with a right to participate are reasonably aware of the exercise and be able to access it. These principles would reinforce the need to improve public awareness and accessibility of committees.
 - Disclosure/ fair interpretation – this applies when a consultative committee makes a joint statement or submission. The committee must outline how it
2. The AEF feels that the Department for Transport should more explicitly express that a code of conduct should also apply to airport operators, the chair and secretariat as participants in the consultative committee.
3. The new guidelines continue to emphasise the importance of sharing information between consultative committees but there is limited evidence of this taking place between committees of smaller aerodromes.
4. The DfT is not considering amending Section 32 which is vague in respect of process and the objectives of consultation. Consequently, the guidelines are limited in scope as they cannot exceed 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.

came to its conclusion and express minority opinion presented at the committee.

What are your views?

It is the Department for Transport's intention to include case studies of best practice in the revised guidelines. If you have specific examples of things that work well, or equally are not effective, please also let us know.

This is an important part of our work programme in 2014 and we will be happy to discuss or advise on any aspect of this consultation with you or your organisation. If you have any different views or

additional points to offer, please do get in touch with James Lees using the details below.

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Consultation Documents

Consultation cover note, which contains the consultation questions -

http://www.aef.org.uk/uploads/20131204_Draft_ACC_Guidelines.pdf

Draft Consultative Committee Guidelines -

http://www.aef.org.uk/uploads/131204_Cover_note_for_Draft_ACC_Guidelines.pdf