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14 February 2014

Tamara Goodwin
Department for Transport
Great Minster House 1/26
33 Horseferry Road
London SW1P 4DR

by email: tamara.goodwin@dft.gsi.gov.uk

Dear Tamara

Draft Guidelines for Airport Consultative Committees

Stop Stansted Expansion ('SSE') welcomes the opportunity to comment on the draft version of the new Department for Transport ('DfT') Guidelines for Airport Consultative Committees ('ACCs').

INTRODUCTION

SSE was established in 2002 in response to a major Government consultation on expanding UK airports which included proposals for adding up to three extra runways at Stansted. We operate as a working group of the North West Essex and East Herts Preservation Association ('NWEHPA') founded in 1964 in response to a similar expansion threat. We have more than 7,500 members and registered online supporters including over 150 parish and town councils and local residents' groups and national and local environmental organisations.

Our objective is to contain the development of Stansted Airport within tight limits that are truly sustainable and, in this way, to protect the quality of life of residents over wide areas of Cambridgeshire, Essex, Hertfordshire and Suffolk, to preserve our heritage and to protect the natural environment. We have been represented on the Stansted ACC for many years. Our financial accounts and constitution can be found at <http://www.nweehpa.org.uk/>

RESPONSE TO THE QUESTIONS ASKED IN YOUR COVERING LETTER

Q1: Do you agree the principles described in Chapter 2 provide a common basis for all consultative committees to work to? Are there any additions or alternatives that should be considered?

Having regard to our own experience as well as the *Best Practice Principles* set down by the Consultation Institute¹ and the *Consultation Principles* set down by the Cabinet Office², we believe that another principle needs to be added to the five listed in Chapter 2, namely, **Good Faith**. This would serve as a reminder to airport operators that consultation must be genuine and that they should, wherever possible, engage with ACCs at a sufficiently early stage in the decision-making process for their views to be taken into account.

¹ <http://www.consultationinstitute.org/cgi-bin/download.cgi>.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf.

Although we have not been invited to give examples of bad practice we could give one here, where the Stansted ACC was ‘consulted’ on a sensitive change to the airport’s passenger drop-off arrangements far too late in the day for any real consideration to be given to the ACCs feedback and views. The contracts for the related works had already been awarded and the start date for the work was imminent.

We also wish to comment on three of the five principles that you have set down in Chapter 2:

Independent

In responding to the Draft Aviation Policy Framework in 2012, we were highly critical of the controlling influence of airport operators on ACCs. We commented as follows:

‘The key failing of Airport Consultative Committees (‘ACCs’) is that they lack independence and are viewed by many local residents as simply an extension of the airport’s PR department. In our view, this failing could largely be addressed by giving the CAA responsibility for appointing and remunerating the chairman of each ACC, funded by an airport levy per passenger. We estimate that the CAA would need to levy about 0.25p per passenger on average but with a de minimis figure to take account of smaller airports.’

This suggestion was not taken forward for consideration and no explanation was given for rejecting it, which is disappointing. It is all well and good for the proposed *Guidelines* to state that ACCs should be independent but it will be little more than an exhortation for as long as the airport operator controls the purse strings and, in effect, the ACC chair and secretariat. We urge the DfT to think again with regard to making ACCs financially independent of the airport operator, and to consult on options for achieving this objective.

Representative

It is unclear to us why the point made in para 2.7 of the proposed *Guidelines* is directed only towards community organisations such as ourselves. If community organisations are to be called upon to produce evidence of ‘*a written constitution and documented membership to help secure the legitimacy of representatives*’, it would be odd if a similar requirement were not also to be applied to other ACC members, except for elected local authority councillors.

A review of the composition of the Stansted ACC shows that it contains a wide range of individuals who have no obvious democratic mandate, organisational or membership base, or other form of representative legitimacy (see Annex A attached). For our part, we would be happy to be tested on the legitimacy of our representation on the Stansted ACC. We would however expect a similar test also to be applied to others.

Finally on this point, it is important to note that the Civil Aviation Act 1982 (the ‘Act’) makes no mention of ACCs but, in Section 35, it places a statutory duty upon airport operators to provide adequate facilities for consultation for (a) users of the airport, (b) local authorities, and (c) organisations representing the interests of persons concerned with the locality in which the aerodrome is situated. If an organisation falling into that last category were to be excluded from their local ACC, it would be open to that organisation to insist that the airport operator fulfilled its duty under Section 35 of the Act by providing ‘adequate facilities for consultation’ through some other means.

Transparent

Para 1.16 of the proposed *Guidelines* encourages ACCs to open their meetings to the public except where there is a legitimate reason for not doing so, for example, when there is a need to discuss a confidential matter. The *Guidelines* should make clear that where an ACC has established one or more sub-groups to deal with specific issues or areas, the principle of transparency should apply in the same way as to meetings of the main committee.

Q2: 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? Does the draft Code adequately reflect what should be expected of committee members?

We welcome the proposal for a Code of Conduct for ACC members. The *Guidelines* should however explicitly state that this should apply not only to committee members but also to the airport operator, the chair and the secretary of the committee.

The only comment we have on the draft code is on the very first item, namely, ‘Respect’, which should not be confused with courtesy. Committee members should of course always be courteous to one another. Respect, however is not an automatic right: it needs to be earned. It cannot be insisted upon, for example, in the case of a committee member who is not prepared to do even the most basic preparation, such as reading the papers beforehand, and is therefore unable to make an effective contribution to the meeting.

Q3: Can you suggest some ways in which best practice can be best shared between committees? Do you agree that committees are well placed to work with other organisations on areas of common interest?

One way of disseminating best practice would be to set up a ‘round robin’ arrangement for ACC representatives to attend one another’s committee meetings from time to time.

Q4: Do you feel the layout of the document is user friendly and easy to understand? Are there any areas of the text you think need clarifying?

Our answer to the first part of Q4 above is ‘yes’. Regarding the second part of the question, where we believe that the text needs clarifying – or amending or expanding – we have dealt with this in our specific responses to the other questions.

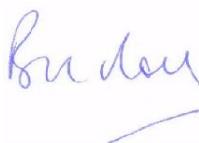
Q5: Do you agree that Section 35 remains a useful way of ensuring different interests concerned in the operation of an airport are consulted in a fair and equal manner?

Yes, but as we pointed out above, the Act makes no mention of ACCs. It may be generally convenient for airport operators to use ACCs as a means of complying with Section 35 of the Act. However, the airport operator’s statutory duty is ‘to provide adequate facilities for consultation’ and so if – for whatever reason – an ACC is not fulfilling that role, the airport operator would need to find some other means of complying with Section 35 of the Act.

Q6: Would it be possible to achieve these objectives in a non statutory way - for example by the use of best practice guidance alone? Are there any areas where a statutory approach imposes unnecessary or disproportionate costs?

We support the maintenance of a statutory duty for airport operators to provide adequate facilities for consultation. We would be concerned that without a statutory framework the standard of consultation would decline to the point where it was almost worthless.

Yours sincerely



Brian Ross
NWEEHPA/SSE representative on Stansted ACC

ANNEX A

**Extract from the minutes of a meeting of Stansted Airport Consultative Committee
held on 30 October 2013 at Enterprise House Stansted Airport**

ATTENDANCE

Chairman – Stewart Ashurst

Users of Airport

Freight interests (1) – David Leigh

Passenger airline companies (2) Ian Clayton *

Business passengers (1) - Peter Odrich

Passengers with (or with an interest in) restricted mobility - (1) Peter Lainson*

Non Business passengers (1) Olivia Vandyk

Local authorities

Braintree District Council (1) – Julian Swift

East Hertfordshire District Council (1) – Gary Jones*

Epping Forest District Council (1) - Mary Sartin*

Essex County Council (1) – Rodney Bass (represented by Eddie Johnson)

Harlow District Council (1) – Paul Schroder

Hertfordshire County Council (1) – Graham McAndrew*

Uttlesford District Council (1) - Jackie Cheetham *

Organisations with a locality interest

Environmental interests (1) – Carly Leonard*

East Herts Association of Local Councils (1) - TBA

NWEEHPA (1) - Brian Ross*

Commerce and Business interests (1) – David Burch*

Tourism interests (1) – Keith Brown*

Surface transport interests (1) – Rufus Barnes*

Uttlesford Association of Local Councils (1) - Keith Artus*

(* present)

Also present at the meeting

Ms Zhanine Oates, Adviser

Representing Stansted Airport Limited (STAL)

Mr A Harrison - Managing Director

Mr M Lyall - Transformation Director

Mr C Wigan - Head of Public Affairs and Sustainable Development

Mr N Banks -Operational Transformation Manager (Item 9 only)

Secretariat

Frank Evans - Secretary and Technical Adviser to the Committee

Apologies for absence

Apologies for absence had been received from the following Members:- Rodney Bass, David Leigh, Peter Odrich, Paul Schroder, Julian Swift, Olivia Vandyk, and advisers Martin Peachey and Steve Bailes.