



Birmingham Airport Consultative Committee

Constitution and Terms of Reference

**Approved and Adopted
7 December 2023**

Contents

1	Name	3
2	Interpretation	3
3	Aim, Purpose and Terms of Reference	3
4	Approval and Adoption of Constitution	4
5	Membership	4
6	Committee Code of Conduct	6
7	Appointment of an Independent Chairman	7
8	Annual Appointment of Vice-Chairman	8
9	Secretariat Arrangements	8
10	Meetings of the Committee	8
11	Procedure for Meetings	10
12	Publicity and Access to Meetings	10
13	Steering Group	11
14	Review	12

BIRMINGHAM AIRPORT

CONSULTATIVE COMMITTEE

CONSTITUTION & TERMS OF REFERENCE

1 Name

- 1.1 The name of the Committee shall be the “Birmingham Airport Consultative Committee” (“the Committee” or “the Consultative Committee”).
- 1.2 The Committee’s website shall be known as:

<https://www.birminghamairport.co.uk/about-us/community-and-environment/airport-consultative-committee/>

2 Interpretation

- 2.1 The provisions of this Constitution and Terms of Reference shall apply to the Birmingham Airport Consultative Committee “the Committee” and any other group as the Committee sees fit to appoint or convene by resolution.
- 2.2 The provisions of this Constitution and Terms of Reference shall be read in the context of the guidelines on Airport Consultative Committees issued by the Department for Transport in 2014 and in any subsequent amendment or revision to those guidelines.

3 Aim, Purpose and Terms of Reference

- 3.1 The Committee is constituted pursuant to Section 35(1) of the Civil Aviation Act 1982 (as amended).
- 3.2 The Committee’s Mission is:
- “For Birmingham Airport Ltd to consult on its societal, economic and environmental impacts with representatives of business, local communities and those using and working at the Airport, and for those representatives to monitor, challenge, inform and influence.”
- 3.3 The Committee’s aim is to provide an effective forum to:
- 3.31 Foster communication and build understanding between the airport and its users, local residents and the business community.
 - 3.32 Stimulate the interest of the local population in the development of the aerodrome.

- 3.33 Consider and comment upon the impacts of the airport's administration, operation and development in relation to the environment, surface access issues associated with the airport, employment, the local, regional and national economy and the circumstances of local communities and their residents.
- 3.34 Protect and enhance the interests of users of the airport, particularly those of passengers.
- 3.35 Consider and, if appropriate, comment upon any factual and consultative reports, from Governmental and other sources that are material to the future character, operation and development of the airport.
- 3.36 Monitor compliance with the Airport's Planning Obligations

Consider any other matter concerning the management or administration of the Airport which affects the interests of:

- (i) The Local Community.
- (ii) West Midlands Local Authorities.
- (iii) The Regional Business Community.
- (iv) The Aviation Industry.
- (v) Airport Users.

- 3.4 The Committee is the primary consultation medium of Birmingham Airport Limited and would normally be the first external consultative body to receive information on major issues.

4 Approval and Adoption of the Constitution

- 4.1 This Constitution, as revised and updated from time to time, has been approved by Birmingham Airport Limited and adopted at a meeting of the Committee held on 1st December 2022.
- 4.2 This Constitution shall only be changed by resolution of the Committee and following agreement with Birmingham Airport Limited.

5 Membership

- 5.1 The Committee may, by resolution and in agreement with Birmingham Airport Limited, at any time add to the list of organisations on the Membership Register.
- 5.2 The composition of the Committee shall be reviewed by the Committee Secretariat and reported for consideration on an annual basis.
- 5.3 In order to ensure that the Membership Register remains relevant to current conditions and circumstances, as and when vacancies on the Committee arise through membership resignations or otherwise, the Steering Group shall in consultation with the Airport Company, consider the continuation of that organisation in the Membership Register before inviting the

organisation to reappoint. Any recommended variations to the Membership Register shall be reported to the Committee for final consideration¹.

- 5.4 No organisation shall be removed from the Membership Register unless the Committee, by resolution and in consultation with Birmingham Airport Limited, resolves that such removal should take place and thereby revokes the entitlement to representation.
- 5.5 Notices of appointment and removal of representatives from nominating organisations shall be made in writing and addressed to the Committee Secretariat.
- 5.6 Representatives appointed by a local authority shall hold membership from the date of the annual meeting of a local authority at which an appointment is made until the following annual meeting of a local authority. Such representation may be removed at any time by written notice given by a local authority to the Committee Secretariat.
- 5.7 Representatives, other than local authority Representatives, shall normally hold membership for the period of three years from the date upon which a notice of appointment is received by the Committee Secretariat. Such representatives may be removed at any time by written notice given by the organisation to the Committee Secretariat.
- 5.8 Where a representative is unable to attend a meeting of the Committee, he or she shall be permitted to send a substitute originating from the same organisation. The name of the substitute must be notified to the Committee Secretariat before the meeting.
- 5.9 If a representative of an organisation on the Membership Register fails to attend three consecutive meetings of the Committee, then the continuation of that membership shall be considered by the Committee, unless the absence was due to some reason approved by the Committee before the conclusion of the third meeting. The Committee may revoke entitlement to membership and authorise the Committee Secretariat to write to the organisation having power to appoint a representative and seek a new nomination.
- 5.10 The Committee shall have the right to co-opt to membership of the Committee any person who, in the Committee's opinion, represents any organisation which should be consulted pursuant to the statutory purposes of the Committee or whom has particular experience or beneficial knowledge in relation to aviation or related matters.
- 5.11 Any person co-opted to membership of the Committee shall hold office until the next Annual General Meeting of the Committee, at which time he or she shall be eligible for re-appointment until the next Annual General Meeting thereafter.

¹ AGM 2021 revision – Membership vacancies to be considered by Steering Group.

- 5.12 A Committee Representative may resign their membership at any time by giving written notice to the Committee Secretariat.

6 Committee Code of Conduct

- 6.1 All representatives shall abide by the Code of Conduct as detailed here and based on that contained within the guidelines on Airport Consultative Committees issued by the Department for Transport in 2014.
- 6.2 **Respect:**
Committee representatives should treat each other with respect and courtesy at all times.
- 6.3 **Commitment:**
Committee representatives should dedicate sufficient time to prepare for and attend meetings, including seeking advice and views from others in their organisation where appropriate.
- 6.4 **Conflicts of Interest:**
Representatives should identify and declare any conflicts of interest (actual, potential or perceived).
- 6.5 **Participation:**
Representatives should participate fully in meetings. They should listen to what others have to say and keep an open mind while contributing constructively to discussions. Actions assigned to representatives should be fulfilled in a timely manner and progress reported back on at the next meeting.
- 6.6 **Openness and Accountability:** Representatives should be open and accountable to each other, to the organisations and communities they represent and to the wider Committee. Representatives should communicate information provided to the Committee accurately, fully and fairly.
- 6.7 **Confidentiality:** All representatives must respect the status of any confidential issues (i.e not as yet in the public arena) raised or discussed in Committee. Any such matter must remain confidential until 1) the relevant minutes are formally approved by the ACC or 2) representatives seek the consent of the provider to publish through ACC Secretariat.
- 6.8 The Code of Conduct shall confer disciplinary powers on the Committee Chairman and Steering Group.
- 6.9 Where representatives believe that the Code of Conduct has been breached, they shall inform the Committee Secretariat in writing detailing their concerns and requesting that these are investigated. Anonymous complaints will not be accepted.

- 6.10 The Secretariat, in conjunction with the Committee Chairman, will normally seek an informal resolution of the situation, but more serious cases may be referred to the Steering Group for investigation.
- 6.11 Where an informal resolution cannot be achieved, representatives may be subject to such sanctions as may be deemed appropriate by the Steering Group, which may include requests for a formal apology, warnings as to future conduct, suspension from the Committee for one or more meetings or (in the most serious cases) the representative's entitlement to attend the Committee being permanently revoked and their organisation being requested to nominate an alternative representative.
- 6.12 Where the Chairman or a member of the Steering Group faces an alleged breach of the Code of Conduct, they shall remove themselves from involvement in the investigative and disciplinary process.

7 Appointment of an Independent Chairman

- 7.1 Birmingham Airport Limited shall appoint, as Chairman of the Committee, a person who they consider to be independent of interests represented on the Committee.
- 7.2 The position of the Chairman of the Committee shall be advertised appropriately and the Committee will be represented during the shortlisting and interview stages of the process. It is envisaged that the Committee will be represented by the Vice-Chairman or another Member of the Steering Group should the Vice-Chairman be unavailable.
- 7.3 The Chairman's term of office shall be a period of three years from the date of appointment. This appointment is renewable for a further two terms at the Annual General Meeting (serving a total of nine years). After this time, the post of Independent Chairman shall be re-advertised by Birmingham Airport Limited².
- 7.4 In exceptional circumstances and after nine years have been served, by resolution of the Committee and in consultation with the serving Chairman and Birmingham Airport Limited, the serving Chairman can be re-appointed on an annual basis at the Annual General Meeting³.
- 7.5 The Chairman shall have all the rights of representatives as provided by this Constitution.
- 7.6 If any vacancy occurs to the office of Chairman, the Vice-Chairman shall preside until the vacancy is filled in accordance with paragraph 7.1.

² AGM 2021 revision – Duration of Chairmanship Term of Office.

³ AGM 2021 revision – Chairmanship beyond three Terms of Office.

8 Annual Appointment of Vice-Chairman

- 8.1 The Committee, by unanimous or majority resolution, shall appoint from amongst its membership, a Vice-Chairman at each Annual General Meeting to hold office until the next Annual General Meeting. Any such person shall be eligible for re-appointment to that position in consecutive or subsequent years.
- 8.2 Unless by resolution of the Committee, any person co-opted to membership of the Committee shall not normally be eligible to hold the position of Vice-Chairman.
- 8.3 If any vacancy occurs to the office of Vice-Chairman, the Committee may, by unanimous or majority resolution, appoint one of its members to hold office until the next Annual General Meeting.

9 Secretariat Arrangements

- 9.1 The Secretariat arrangements for the Committee shall normally be administered by an officer of Solihull Metropolitan Borough Council (Solihull MBC).
- 9.2 The appointment of that officer (or their substitute representative) shall be drawn from a Directorate of that Council which is not directly responsible for the delivery of that Council's Local Planning Authority function.
- 9.3 The Secretariat shall make arrangements for keeping a register of members of the Committee and for producing the agendas for meetings and the production of minutes.
- 9.4 In order to facilitate the free exchange of information between members of the Committee and subject to the requirements of the ⁴General Data Protection Regulation, the Secretariat shall make arrangements for the contact details of Committee members to be available for all members of the Committee.
- 9.5 The Secretariat shall be an officer of the Committee and not a member of the Committee.
- 9.6 The Secretariat arrangements for any Working Groups or Sub-Committees directly appointed by the Committee shall normally be administered by Birmingham Airport Limited.

10 Meetings of the Committee

- 10.1 The Committee shall normally meet four times in each year and shall designate one meeting as an Annual General Meeting.

⁴ AGM 2019 revision – to replace Data Protection Act.

- 10.2 Meetings shall be held at a venue to be provided by Birmingham Airport Limited or at such other venue that the Chairman may decide in consultation with Birmingham Airport Limited and the Committee Secretariat.
- 10.3 A “special meeting” shall be called by the Committee Secretariat upon the direction of the Chairman following consultation with Birmingham Airport Limited and upon 21 clear calendar days notice being given by the Committee Secretariat to each member of the Committee in writing. This notice period may be waived in exceptional circumstances or on the grounds of urgency.
- 10.4 If more than ten representatives give written notice to the Committee Secretariat requesting a “special meeting” of the Committee, the Committee Secretariat shall as soon as practicable call a “special meeting” to be held within 28 days of the request. Those ten members requesting a “special meeting” shall provide all reasonable background information and reasoning to support such a request to the Committee Secretariat.
- 10.5 The Secretary shall produce and circulate to each representative an agenda for the meeting according to the scheduled cycle of annual meetings published at the Annual General Meeting.
- 10.6 The agenda shall incorporate Standing Items which shall include, but not be limited to, issues concerning:
- Passengers
 - Environmental Impact
 - Feedback from represented organisations on issues discussed at the previous meeting
- 10.7 In addition to the Standing Items, the agenda shall normally include, but not be limited to, discussions of the following items:
- Updates from Birmingham Airport Limited on operations at the airport, including passenger numbers and new services.
 - Airport Development
 - Surface Access
 - Updates on local plans and policies that may impact the airport.
 - Consultation Responses
 - Airspace Change (where relevant)
- 10.8 Unless it is reasonable to be considered as “any other business”, a meeting shall not deal with any item of business which is not on an agenda unless the Chairman and Birmingham Airport Limited agrees that the matter can conveniently be dealt with at that meeting.
- 10.9 Any representative requiring a specific matter to be considered as part of the agenda for a meeting shall give the Committee Secretariat due notice

according to the scheduled cycle of annual meetings published at the Annual General Meeting.

- 10.10 The quorum for a meeting shall be 10 representatives, exclusive of any co-opted representatives.
- 10.11 ⁵The Committee may, by resolution, appoint a Working Group to consider an individual item of business in greater depth. Such business may be identified either through regular debate at Consultative Committee meetings or by advance suggestion by Birmingham Airport Limited. The membership, chairmanship, terms of reference and lifespan of any Working Group shall be agreed by the Committee at the time of establishment. The minutes of any Working Group shall be reported to the Committee on a regular basis and the recommendations from any Working Group shall be reported to the Committee for formal consideration as soon as practicable following completion. Where the establishment of a Working Group is considered urgent and falls outside the normal calendar of Consultative Committee meetings, the Chairman and Vice-Chairman, in consultation with the Committee's Steering Group and BAL be authorised to approve any establishment. Any Working Group shall be supported by Birmingham Airport Limited. Any Working Group established under the Committee will conduct itself in accordance with all aspects of the Committee's Constitution where applicable.

11 Procedure for Meetings

- 11.1 The Chairman, if present, shall preside at each meeting of the Committee.
- 11.2 If the Chairman is not present at the start of a meeting, the Vice-Chairman shall preside at that meeting in the absence of the Chairman.
- 11.3 It is expected that matters should be resolved by consensus. In general, the Chairman or person presiding at a meeting shall avoid taking votes on matters other than those relating to membership of the Committee.
- 11.4 In the event that 11.3 cannot be achieved, any matter which needs to be decided at a meeting of the Committee may be determined by a show of hands and each member of the Committee shall have one vote.
- 11.5 In the event of a tied vote, the Chairman (or Vice-Chairman if they are presiding) shall have a second or "casting vote".

12 Publicity and Access to Meetings

- 12.1 The only persons normally entitled to attend meetings of the Committee (other than the eligible representatives) shall be such representatives of Birmingham Airport Limited as may be designated by the Chief Executive

⁵ AGM 2018 revision - to formalise the establishment of ad-hoc Working Groups.

Officer or his or her deputy; technical support officers from Solihull Metropolitan Borough Council and Birmingham City Council; and the officer(s) comprising the Committee Secretariat.

12.2 Other persons shall normally only attend meetings by invitation of the Committee.

12.3 The press and public shall not normally be admitted to any meeting unless the Committee has resolved to open the meeting to the press and public.

12.4 Agenda's and Minutes of Committee meetings shall be published on the Solihull Metropolitan Borough Council's web site.

13 Steering Group

13.1 The Committee shall include a Steering Group made up of the following permanent members:

- The Chairman
- The Vice Chairman
- The Secretary
- A representative of Birmingham Airport Ltd

13.2 The Steering Group shall include four representatives elected from and by the Committee.

13.3 The role of the Steering Group shall be to:

- Consider items for inclusion on the agenda for Committee meetings
- Consider issues for consideration by the Committee
- Consider membership and representation on the Committee
- Oversee the induction of new members of the Committee
- Consider breaches of the Code of Conduct as outlined in 6.10/11
- Preparing responses to consultation papers or other matters on behalf of the Committee where time constraints do not allow for their consideration by the full Committee.

13.4 The four representatives of the Committee shall hold office until the next Annual General Meeting of the Committee, at which time they shall be eligible for re-election until the next Annual General Meeting thereafter.

13.5 Any member of the Committee shall be entitled to stand for election to the Steering Group.

13.6 The Secretary shall make arrangements for the election of the Committee representatives on the Steering Group.

13.7 It is expected that matters considered by the Steering Group should be resolved by consensus.

- 13.8 In the event that consensus cannot be achieved, any matter which needs to be decided at a meeting of the Steering Group may be determined by a show of hands and each member of the Steering Group shall have one vote, with the exception of the Secretary, who shall be a non-voting member of the group. The Steering Group may also refer the issue back for discussion at the full Committee.
- 13.9 The Steering Group shall normally meet according to the scheduled cycle of annual meetings published at the Annual General Meeting, but may meet at any time, as its members deem necessary.

14 Review

- 14.1 This Constitution and Terms of Reference shall be subject to review on an annual basis, and, subject to such amendments as the Committee may approve, be adopted at the AGM.