

London Luton Airport Coordination Committee

CONSTITUTION OF
LONDON LUTON AIRPORT COORDINATION COMMITTEE

Constitution of the London Luton Airport Coordination Committee

(1) Definitions and Interpretation

1.1 In this Constitution the following expressions shall have the following meanings:-

Air Carrier	means an air transport undertaking with a valid Operating Licence;
Airport	means London Luton Airport;
Airport Operator	means London Luton Airport Ltd or such other person as shall from time to time be the airport operator of LTN;
Air Traffic Control	means NATS or such other person as shall from time to time be the provider of air traffic control services at LTN;
Annual General Meeting	means the Annual General Meeting of the Committee;
Authorised Representative	<u>means any employee of a Member (or consultant) retained by a member with significant experience of scheduling for the purpose of providing scheduling expertise (a Retained Representative) attending a meeting on behalf of that Member;</u> means any person nominated by a Member attending a Meeting on behalf of that Member;
Chairman	means the Chairman of the Committee;
Committee	means the London Luton Airport Coordination Committee;
Complaint	has the meaning given in Clause 7 of this Constitution;
Coordinator	means the person responsible for coordination at LTN from time to time with the meaning of Article 4.1 of the Regulation;

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Department for Transport	means the Department for Transport of the UK Government, howsoever it shall be called from time to time;
Extraordinary General Meeting	means an Extraordinary General Meeting of the Committee;
IATA	means the International Air Transport Association;
IATA Worldwide Scheduling Guidelines	means the Worldwide Scheduling Guidelines published by IATA from time to time;
LTN	means London Luton Airport;
Meeting	means either an Annual General Meeting or an Extraordinary General Meeting;
Member	means a Member recorded in the Membership Register;
Membership Register	means the Register maintained in accordance with Clause 4.3 of this Constitution;
New Entrant	shall have the same meaning as in the Regulation;
Operating Licence	means an authorisation, issued by a legally competent authority, to an undertaking permitting it to carry out carriage by air of passengers mail and/or cargo, as stated in the operating licence, for remuneration and/or hire;
Regulation	<u>means Council Regulation (EEC) No 95/93 as amended by Council Regulation 793/2004; means Council Regulation (EEC) No 95/93 of 18 January 1993, as amended;</u>
Secretary	means the Secretary of the Committee
Slot	shall have the same meaning as in the Regulation
Undertaking	means any natural person, any legal person whether profit making or not, or any official body whether having its own legal personality or not;

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1.2 Reference to legislation or statutory provisions shall where the context so admits or requires be construed as reference to that legislation or those provisions as respectively amended consolidated extended or re-enacted from time to time and shall where the context so admits or requires be construed as including references to the corresponding provisions of

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any earlier legislation (whether repealed or not) directly or indirectly amended consolidated extended or replaced thereby or re-enacted and shall include any orders regulations instruments or other subordinate legislation made under the relevant statute.

1.3 For the interpretation of this constitution, the Interpretation Act 1978 shall apply as it applies to the interpretation of an Act of Parliament.

(2) Name and Object

- 2.1 The name of the Committee shall be the London Luton Airport Coordination Committee.
- 2.2 The object of the Committee is to be the Coordination Committee at LTN for the purpose of the Regulation.

(3) Purpose and Principles

- 3.1 The Committee shall make proposals concerning or advise the Coordinator and/or the Department for Transport and/or the Airport on:-
 - 3.1.1 the possibilities for increasing the capacity of the Airport determined in accordance with Article 3 of the Regulation or for improving its usage;
 - 3.1.2 the coordination parameters to be determined in accordance with Article 6 of the Regulation;
 - 3.1.3 the methods of monitoring the use of allocated slots;
 - 3.1.4 local guidelines for the allocation of slots or the monitoring of the use of allocated slots, taking into account, inter alia, possible environmental concerns, as provided for in Article 8(5) of the Regulation;
 - 3.1.5 improvements to traffic conditions prevailing at the Airport;
 - 3.1.6 serious problems encountered by New Entrants, as provided for in Article 10(9) of the Regulation;
 - 3.1.7 all questions relating to the capacity of the Airport.
- 3.2 The Committee shall also mediate between all parties concerned on complaints on the allocation of slots, as provided for in Article 11 of the Regulation.
- 3.3 In performing its functions set out in Clauses 3.1 and 3.2 of this Constitution the Committee shall have regard to the provisions of the IATA Worldwide Scheduling Guidelines applicable to LTN.

(4) Membership

4.1 The following shall be entitled to be Members of the Committee:-

the Airport Operator
Air Traffic Control

Air Carriers using the Airport regularly or who have expressed interest in the allocation of slots and the co-ordination of schedules at the Airport and the representative organisations of Air Carriers using the Airport regularly

~~Air Carriers and aircraft operators using the Airport regularly and the representative organisations of Air Carriers using the Airport regularly
the representatives of general aviation using the Airport regularly.~~

4.2 The Airport Operator, Air Traffic Control, the Air Carriers and aircraft operators ~~listed in Schedule 1 and the~~ following representative organisations are Members at the date of the adoption of the Constitution:-

European Business Aviation Association,
The British Business and General Aviation Association
IATA
ERAA

4.3 The Secretary shall keep an up-to-date Membership Register of Members of the Committee.

4.4 An Air Carrier or aircraft operator which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the Membership Register if that Carrier uses LTN regularly or if it has expressed an interest in the allocation of slots and the co-ordination of schedules at the Airport:-

4.5 A representative organisation of Air Carriers or aircraft operators which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the Membership Register if that representative organisation represents Air Carriers using LTN regularly.

4.6 A Member shall cease to be a Member if it:-

- resigns, or
- goes into liquidation, or
- ceases to use the Airport regularly

4.7 The Secretary shall make a note in the Membership Register of the names of Members who have ceased to be Members together with the date of such cessation.

4.8 The Members shall decide all disputed issues about membership by a majority vote at a Meeting.

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(5) Members Representatives

- 5.1 Each Member shall delegate an individual to be its Authorised Representative at Meetings.
- 5.2 No Member shall be represented by more than one Authorised Representative.
- 5.3 The Authorised Representative may vary from Meeting to Meeting but must be an employee of the Member in the case of an Air Carrier and in the case of a representative organisation an employee of the organisation or of one of its members.
- 5.4 In the case of an Air Carrier the Authorised Representative shall where practicable have responsibility for and experience of scheduling and shall preferably be a Member's delegate to the most recent IATA Scheduling Conference.
- 5.5 The Authorised Representative may bring to a Meeting as observers not more than two other representatives and the Authorised Representative of a representative organisation may bring to a Meeting as observers not more than two representatives of that organisation;-
- 5.6 The Authorised Representative of the Airport Operator and Air Traffic Control may each bring to a Meeting as observers not more than three employees of their respective organisations.
- 5.7 The Committee may invite other persons to its Meeting as observers at its discretion.
- 5.8 Each person at a Meeting shall if requested by the Chairman or the Secretary state the organisation they represent and in what capacity.

(6) Meetings of the Committee

- 6.1 An Annual General Meeting shall be held at least once in each calendar year.
- 6.2 Extraordinary General Meetings may be held as and when business dictates, which may be called at less than twenty-one (21) days notice;
- 6.3 Meetings shall generally be held at LTN in premises provided by the Airport Operator.
- 6.4 Representatives of the Department for Transport and the Coordinator shall be invited to Meetings as observers.
- 6.5 The Secretary shall give a least twenty-one (21) clear days written notice of Meetings to each Member and to the Coordinator.
- 6.6 Each Annual General Meeting shall elect a Chairman and transact such other business as may from time to time be necessary.

- 6.7 The Chairman or five Members may request a Meeting. Such a request must be made in writing to the Secretary.
- 6.8 Within five working days of receiving a written request signed by the Chairman or by the Authorised Representatives of a least five Members giving reasons for the request, the Secretary shall call a Meeting.
- 6.9 Working papers for the Annual General Meeting will be distributed by the Secretary at least fourteen (14) clear days in advance of the meeting;
- 6.10 If a Meeting is convened for the purposes of Clause 3.1.6 of this Constitution the Secretary shall give sufficient notice of the Meeting to the European Commission and Department for Transport.
- 6.11 The quorum for a Meeting shall be the Authorised Representative of the Airport Operator and at least five other Members.
- 6.12 The Committee may receive advice from whomever it wishes on any matters under consideration and shall establish such ad hoc rules or procedures as the Members present and voting at a Meeting determine, provided that such rules are consistent with this Constitution.
- 6.13 The proceedings of the Committee shall be conducted in English.

(7) Complaints and Problems for New Entrants

- 7.1 The Committee may from time to time send to its Members, the Coordinator and other interested parties written procedural requirements approved by a majority of votes at a Meeting and consistent with this Constitution setting out the steps to be followed:-
- 7.1.1 where the Committee is required to examine possibilities for remedying serious problems for New Entrants as provided in Article 10 of the Regulation;
 - 7.1.2 where complaints are made as provided in Article 11 of the Regulation.
- 7.2. Where the Committee is notified of a Complaint it shall not meet to consider the Scheduling Complaint unless:
- 7.2.1. the complainant has first made a written submission to the Coordinator setting out the reasons for the Complaint, and
 - 7.2.2. the Coordinator has responded in writing to that submission or has had a reasonable time to do so, and
 - 7.2.3. the complainant has not accepted the Coordinator's response where one has been made.
- 7.3 At a Meeting to consider a Complaint the complainant shall be entitled to attend the Meeting even if it is not a Member and (in addition to the Authorised Representatives of Members) the complainant and the Coordinator shall be entitled to address the Meeting.
- 7.4 Complaints and problems for New Entrants may be considered at any Meeting.
- 7.5 The Committee shall not put any matter to a vote where it is required to give advice to the Coordinator on a Complaint or problems for New Entrants but shall ensure any advice given to the Coordinator sets out a fair summary of the feeling of the Meeting and of the views of any Members who dissent from the majority viewpoint.
- 7.6 The Secretary shall notify the complainant, the Chairman of the problems which remain unresolved after consideration by the Committee;

(8) Chairman and Secretary

- 8.1 The Chairman shall be elected at each Annual General Meeting from among the Members.

- 8.2 The Chairman shall hold office until the conclusion of the next Annual General Meeting after election.
- 8.3 The Secretary shall be an employee of the Airport Operator but shall be a different person from the Airport Operator's Authorised Representative.
- 8.4 Nominations for Chairman must be made in writing and must be in the hands of the Secretary no later than 24 hours before each Annual General Meeting.

(9) Voting

- 9.1 All questions arising at any Meeting shall be decided by a majority of votes of those Members present and entitled to vote at the Meeting, subject as provided in Clause 7.5 of this Constitution. Members may assign their vote to the Authorised Representative of another member by proxy provided the Secretary is advised and has received the authority for the proxy in advance of the Meeting.
- 9.2 In the event of a vote, there shall be a maximum of 1,000 votes available to cast at the Meetings. The voting procedure to be followed is set out in Schedule ~~12~~ of this Constitution.
- 9.3 Minutes shall be kept by the Committee and a proper record shall be kept of all proceedings, resolutions, the persons present and the capacity in which they attend the Meeting.

(10) Sub-Committees

The Committee may appoint sub-committees.

(11) Status

The Committee is not an incorporated association.

(12) Alterations To The Constitution

- 12.1 Any alterations of this Constitution must be approved by at least two thirds of the votes cast at a Meeting specially called for that purpose, where the voting procedures are those set out in Clause 9 of this Constitution.
- 12.2 Written requests for a Meeting to alter the Constitution must be received by the Secretary not less than fifteen clear days before the Meeting at which the alteration is to be considered.
- 12.3 At least ten clear working days' notice in writing of such a Meeting setting out the terms of the alteration to be proposed shall be sent to the Secretary.

(13) Dissolution

- 13.1 The Committee cannot be dissolved as long as the Regulation, or any regulation replacing it which requires a Coordination Committee at LTN, is in force.
- 13.2 If, once the Regulation, or any regulation replacing it which required a Coordination Committee at LTN, has ceased to be in force, at least two-thirds of those present at a Meeting and voting in accordance with the procedure set out in Clause 9 of this Constitution may resolve to dissolve the Committee. The Committee shall thereupon be dissolved and the Members shall have the power to dispose of any assets held by or on behalf of the Committee. Any assets shall be distributed to the Members of the Committee in equal shares.

(14) Costs And Expenses

For so long as European Community legislation requires a Coordination Committee at LTN, all reasonable and proper administration, premises and catering expenses of the Committee shall be met by the Airport Operator.

SCHEDULE 1

MEMBERSHIP REGISTER:

To be compiled

SCHEDULE 12

VOTING PROCEDURE

1. Only the Authorised Representative of a Member may vote at a Meeting.
2. An overall allocation of 1000 votes will be available for each topic for which a vote is required at each Meeting. These will be apportioned as follows:
 - Airport Operator = 40 votes
 - Air Traffic Control = 20 votes
 - Representative Organisations of Air Carriers = 10 votes to each organisation
 - Remaining votes to be shared in proportion to the number of movements flown by Members at LTN in the preceding year (the qualifying movements). Proportions will be taken to the second decimal place before rounding and are subject to a maximum of 400 votes for a single Member. FBO's will be given votes in relation to the number of movements handled in the preceding year but only when voting on runway issues, not stand or terminal issues.
 - A Member with no qualifying movements shall have 10 votes
 - Members not present will not be able to vote except when represented by their proxy
 - The Chairman will have the casting vote in the event of equality of votes (in addition to his/her own organisation's allocation of votes)
3. Where a Member's vote allocation will be variable, immediately following the end of each season the airport will advise the Secretary of the qualifying movements which is to be the basis for the calculation of votes to be allocated to each Member. The Secretary will advise each Member of its allocation when posting notices of the next Meeting.
4. Any questions relating to the allocation of votes will be resolved at the next Meeting of the Committee.

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