

BACKGROUND NOTE
on the proposed
BRITISH WATERWAYS ADVISORY FORUM

BW Openness and Accountability Initiative

1. The proposed British Waterways Advisory Forum (BWAFF) has its origins in the *Openness & Accountability* initiative of BW. BW's consultation on improving *Openness & Accountability* included, as one of its four main themes, a new framework for consultation with user groups on policy and strategy. A new National Consultative Council with an elected steering committee was proposed.
2. In the course of consultation it was clear that existing consultation arrangements with user groups were valued and that any new arrangement should build upon and enhance these. In its report on the consultation BW stated that :
 - *"We proposed to assimilate the current National User Group arrangements (currently one meeting annually) into the proposed more extensive National Consultative Council arrangements. However, the separate meetings concerning boating and corridor issues will continue to be held..."; and*
 - *"The internal arrangements of the National Consultative Council will be for its members to decide, but British Waterways is happy to assist in having constitution prepared".*

Inauguration Working Group

3. Professor Jeffrey Jowell QC was invited by BW (with the approbation of the Waterways Minister) to lead the process of establishing the new consultation framework. A working group was formed under his chairmanship to consider and modify or change the initial BW proposals. The working group comprised:

Professor Jeffrey Jowell QC	- Chairman
David Pearce	- Association of Waterways' Cruising Clubs
Howard Pridding	- British Marine Federation
John Fletcher	- Inland Waterways Association
Terry Mansbridge	- National Association of Fisheries and Angling Consultatives
Stuart Sampson	- National Boat Owners Association
Rebecca Dixon	- Ramblers' Association
Ivor Caplan	- Residential Boaters' Association
Neil Northmore	- Royal Yachting Association
4. The Inauguration Working Group met in December 2004 and February 2005. The working group considered the original BW suggested arrangements but decided that some substantial modification was required.
5. The principal conclusions reached in those discussions were that:
 - The working group agreed with the BW objective that the arrangements should be as inclusive as reasonably possible;
 - The general format of the annual National User Group meetings, with active participation available to all relevant groups, was valued;
 - An elaborate representative structure with elections to a standing or steering committee was inappropriate;
 - The nature of the consultation to take place under the arrangements should clearly be seen to be two-way with equal attention and value given to the issues brought to the table by user groups as those brought by BW; and

- That diversity of views should be respected and that, given the very broad range of viewpoints and interest in waterways represented by various user groups, there should be no expectations of, or requirement for, consensus among participating user groups. The arrangements should enable any differences to be aired and debated.

Outline framework for the proposed BWAFF

6. On the basis of the above discussions a draft constitution for BWAFF has been prepared. The initial draft was refined following further debate within the working group. The draft enclosed with these papers is that which is to be put to the inaugural meeting for adoption.
7. The name 'British Waterways Advisory Forum' (BWAFF) was chosen by the working group as the best description of its function. 'Advisory' was preferred to 'consultative' to indicate the two way exchange of information and views. 'Forum' was preferred to 'Council' to indicate that the body was a medium for debate and exchange of views rather than a decision making body.
8. The Forum is to be a membership body, with members being the participating user organisations. To be eligible for membership of the Forum, organisations will need to have their own national subscribing membership (individual or corporate) and directly or indirectly, be governed by mandate of that membership. Public authorities may not be members of the Forum but may be invited to attend its meetings as observers.
9. The principal activity of BWAFF would be to hold two general meetings in each year, the format of which would largely follow the former annual National User Group Meetings, i.e. a representative from each participating organisation would be able to attend. The meetings however would be chaired by the chairman of the Forum, elected by its members, and the intention is that the business would be more debate with, than report from, BW.
10. Between each general meeting there will be a smaller 'Agenda Meeting' between the chairmen of the Forum and of BW accompanied by selected other representatives. The intention of these meetings is to review progress on issues raised and discussed at the previous general meeting and to consider the business to be undertaken at the forthcoming general meeting. The more informal format of the meeting, and smaller numbers present, will also enable a more discursive discussion and debate to take place.
11. The chairman of the Forum would decide which member organisations would accompany him or her (and the vice-chairman of the forum) at the Agenda Meetings. To ensure the relatively informal nature of the discussions the intention is that numbers be kept to about half a dozen. The chairman will choose organisations that have a particular interest or expertise in business discussed, or to be discussed, the previous and/or forthcoming General Meeting. However to ensure a fair rotation of attendance at Agenda Meetings, and that a proper cross-section of member organisations are invited, the chairman is required by the constitution to invite by reference to 'constituencies' of members and have regard to the need for rotation and topical interest or expertise (see paragraph 32 of the draft constitution).
12. On joining the Forum, each member organisation will be required to indicate which 'constituency' it considers comes within. The proposed constituencies are :
 - A constituency of members that primarily represent the interests of leisure and non-commercial boaters;
 - A constituency of members that primarily represent the interests of those engaged in trade or business;
 - A constituency of members that primarily represent the interests of anglers;
 - A constituency of members that primarily represent the interests of walkers and those interested in access to waterway towpaths (other than when incidental to activities addressed in the other constituencies); and
 - A constituency of members that primarily represent the interests of cyclists, horse riders and horse boaters.

13. The roles of Chairman and Vice-Chairman of the Forum will be most important in ensuring the Forum fulfils its purpose of effective two way communication on policy and strategy between BW and the Forum membership. The constitution provides for in effect two year terms, commencing at the close of the general meeting at which the person is elected to the post and terminating at the close of the third general meeting following that. The constitution also provides, as far as possible, that the terms of Chairman and Vice Chairman do not coincide, so that an incoming post holder has the benefit of advice from another who has been in post for a while. To achieve this the term of the first Vice-Chairman will be foreshortened.
14. Election will be by secret ballot at general meetings, with a second ballot between the two leading candidates in the event of no overall majority at first round. Please see the section at the end of this note about nominations for the elections at the Inaugural Meeting.
15. The Forum will be 'owned' and controlled by its member organisations but its activities will be facilitated by BW. The participation of BW will be key to the success of the Forum and accordingly a draft Memorandum of Understanding between BW and the Forum has been prepared. Under this BW will agree to arrange appropriate senior level attendance at meetings of the Forum. In addition it will provide appropriate facilities for the meetings; will reimburse the expenses of the chairman and vice-chairman in attending Forum meetings (General and Agenda meetings); will reimburse the expenses of other attendees of Agenda meetings and will provide a secretariat.

Feedback on draft Constitution and proposed arrangements

16. The draft of the Constitution enclosed with this note is that approved by the Inauguration Working Group for placing before the Inaugural Meeting of the Forum for adoption. Nevertheless, any organisation intending to take up membership may, if it has any significant grounds for modification of the draft, make these known to the Inauguration Working Group by writing to the secretary to the Group. These, if any, will be considered by the Group in advance of the Inaugural Meeting of the Forum. It is hoped however that changes at this stage can be avoided. The Constitution does provide for future amendment should this be shown to be necessary in the light of experience.
17. The secretary to the Working Group is Nigel Johnson, Legal Director, British Waterways, Willow Grange, Church Road, Watford, WD17 4QA; e-mail nigel.johnson@britishwaterways.co.uk

Nominations for posts of Chairman and Vice-Chairman of the Forum

18. All member organisations may nominate one candidate for each of the posts of Chairman and Vice-Chairman of the Forum. The nominee(s) need not be a member of the nominating organisation and different organisations may nominate the same person. Nor does a nominee need to be a current representative (or serving officer) of an organisation attending the Forum. Any nomination must however have the consent of the person nominated.
19. Any Chairman or Vice-Chairman will have to act impartially and be fully aware of, and respect, the diversity of the membership of the Forum. There is not intended to be any restriction on who may be nominated, though some serving senior officers of member organisations may wish to avoid a potential conflict of interest by serving in both roles. Persons with prior experience of senior posts within member organisations, and with a broad based knowledge of waterways affairs, may be ideal.
20. Once elected, the Chairman or Vice-Chairman of the Forum will not be able to act as a representative within the Forum of any organisation of which he or she is a member. If before election that person was such a representative, the organisation in question will need appoint a replacement representative.
21. For the elections of Chairman and Vice-Chairman at the Inaugural Meeting of the BWAFF on 11 May, invited organisations are asked to put any nominations they wish to make on the enclosed Response Form.