

CONSTITUTION OF THE  
**BRITISH WATERWAYS ADVISORY FORUM**

**The Forum**

1. There shall be a body called the British Waterways Advisory Forum ('the Forum') comprising groups or organisations with a material interest in the inland waterways, docks and adjoining operational land ('the waterways system') owned or managed by British Waterways Board ('BW').
2. The groups or organisations comprising the Forum ('members') shall attend and be represented by one authorised representative that they may appoint from time to time.

**Purpose**

3. The purpose of the Forum is to act as a standing consultative and advisory body through which issues of policy and strategy concerning the management of the waterways system by BW may
  - 3.1. be brought by members of the Forum to the attention of, and taken into account by, the Board and senior management of BW; and
  - 3.2. be brought by BW to the attention of, and taken into account by, the members of the Forum.
4. In furtherance of that purpose :
  - 4.1. the Forum shall hold a general meeting at least twice in any year to which the Chairman and Chief Executive of BW, together with such other non-executive members of the Board and senior management of BW as they shall nominate, shall be invited;
  - 4.2. there shall be held, between each general meeting of the Forum, at least one Agenda Meeting between such members of the Forum and such members of the Board and senior management of BW as are invited in accordance with the provisions below; and
  - 4.3. the Forum may enter into agreements or arrangements with BW for the facilitation of, its meetings.

**Membership**

5. A group or organisation shall be eligible to be a member of the Forum if :-
  - 5.1. it is an established group or organisation with a subscribing membership;
  - 5.2. its objects or activities have a material connection or relevance to the use, enjoyment, protection, preservation or promotion of the waterways system ;
  - 5.3. its objects or activities are of national scope within England and Wales or the whole of Great Britain;
  - 5.4. it has a written constitution that provides for it to be governed by persons chosen directly or indirectly by a popular mandate of its membership; and
  - 5.5. it is not a public authority or an organisation or group representing public authorities.

6. The inaugural members of the Forum shall be any eligible group or organisation
  - 6.1. that was invited to the National User Group meeting held by BW on 16 November 2004; or
  - 6.2. is invited to the inaugural General Meeting of the Forum by the chairman of that meeting; and
  - 6.3. which in each case agrees to be a member of the Forum.
7. Other eligible groups or organisations may apply from time to time to be a member of the Forum and shall be admitted if it appears to the Chairman that the criteria for eligibility are met. If an application is refused by the Chairman, an applicant may appeal that decision to the Waterways Ombudsman whose decision shall be final.
8. Membership of the Forum shall not preclude any member from holding private or separate discussions or meetings with BW. If those discussions or meetings concern issues currently under consideration by the Forum, the member shall have regard to the desirability of keeping the Forum informed of them.
9. A register of members shall be kept by the Secretary and made available for inspection by the public.
10. Groups or organisations (including any located in Scotland) that are not eligible for membership of the Forum may be invited by the Chairman to send a representative to observe and (with the permission of the Chairman) speak at any General Meeting of the Forum.

### **General Meetings**

11. General Meetings shall be called by not less than 28 days clear written notice to members specifying the business to be transacted.
12. At least two ordinary General Meetings shall be held in every year. In addition Extraordinary General Meetings may be called with due notice at any time by the Chairman and must be called after written request to the Chairman from at least ten members.
13. Every member is entitled to attend and be represented by one authorised representative at any General Meeting of the Forum. A member may by at least 48 hours advance notice to the Chairman request that one observer attend a General Meeting in addition to the authorised representative. The Chairman may refuse such permission on any reasonable grounds.
14. Except as otherwise provided in this Constitution, every issue at a General Meeting requiring to be determined shall be decided by a simple majority of votes of the members present through their authorised representatives (there being one vote per authorised representative) and in the event of a tie the chairman of the meeting shall have a casting vote.
15. The quorum for any General Meeting shall be ten members present by their authorised representative.
16. If the Chairman is not present at a General Meeting, the Vice-Chairman shall preside at that meeting and if neither the Chairman nor the Vice-Chairman are present those

members present and attending by their appointed representatives shall elect a person present to preside at the meeting.

### **Chairman and Vice Chairman**

17. The chairman of the Inaugural General Meeting of the Forum shall be Professor Jeffrey Jowell QC but the chairmanship of the Forum shall become vacant at the close of that meeting.
18. Elections for the office of Chairman and Vice-Chairman of the Forum shall be held at any General Meeting where a vacancy exists in the office or will exist at the close of that meeting.
19. A chairman or vice-chairman shall take office immediately following the close of the meeting at which he or she is elected and shall serve until the close of the third Ordinary General Meeting following the taking up of the office.
20. Notwithstanding the provisions of the preceding paragraph, the office of Vice-Chairman shall become vacant at the close of the second Ordinary General Meeting following the Inaugural General Meeting.
21. A chairman or vice-chairman may resign by notice in writing to the Secretary at any time and shall vacate office if a resolution to that effect is passed at any General Meeting by a majority of two thirds of the votes cast, provided notice of the proposed resolution was included in the notice calling the meeting.
22. If for any reason elections for the office of Chairman and Vice-Chairman take place at the same General Meeting, the Vice-Chairman elected at that meeting shall serve until the close of the second Ordinary General Meeting following the taking up of the office.
23. In any election to the office of Chairman and Vice-Chairman, the candidate that receives more than half the votes cast in any poll shall be elected. If in any election a poll is held with more than two candidates and none receives more than half the votes cast, there shall be a second poll in which only the two candidates receiving more votes than any other candidate shall stand.
24. In the event of a tie in any poll held for the purpose of electing a person to the office of Chairman or Vice-Chairman, the question shall be decided by lot.
25. Neither the Chairman nor the Vice-Chairman may be the appointed representative of any member whilst in office. A member may, upon its appointed representative being elected as Chairman or Vice-Chairman, forthwith appoint a replacement representative,

### **Agenda Meetings**

26. Between each Ordinary General Meeting of the Forum there shall be an Agenda Meeting.
27. The Chairman of BW and Chief Executive of BW, and such other members of the Board and senior management of BW as they shall nominate, shall be invited to an Agenda Meeting.
28. The Chairman of the Forum shall, having consulted the Vice-Chairman, decide which members of the Forum shall be invited to send a representative to an Agenda Meeting.

29. For the purpose of invitations to Agenda Meetings, the membership of the Forum shall be divided into five constituencies as follows
- 29.1. A constituency of members that primarily represent the interests of leisure and non-commercial boaters;
  - 29.2. A constituency of members that primarily represent the interests of those engaged in trade or business;
  - 29.3. A constituency of members that primarily represent the interests of anglers;
  - 29.4. 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
  - 29.5. A constituency of members that primarily represent the interests of cyclists, horse riders and horse boaters.
30. Where the activities of member include to a substantial extent activities that would entitle it to be included in more than one constituency, or which do not come within the definition of any constituency, it may choose the constituency within which it shall be placed.
31. For every Agenda Meeting, the Chairman of the Forum shall issue an invitation to at least one member from each constituency who shall be entitled but not required to attend the meeting by one representative.
32. Subject to the requirement of the preceding paragraph, the Chairman shall have discretion in deciding which members to invite to send a representative to an Agenda Meeting, but shall take into account the desirability of
- 32.1. issuing invitations to members that have a particular interest in items of business considered at the preceding General Meeting, or to be considered at or next General Meeting;
  - 32.2. rotating invitations amongst members within each constituency;
  - 32.3. having available at the Agenda Meeting any particular expertise or knowledge pertinent to the matters expected to be discussed;
  - 32.4. ensuring the number of persons present at the meeting enables a fully participative dialogue to take place between all persons present; and
  - 32.5. any other considerations that will be conducive to the purpose of the Forum.

### **Diversity**

33. The Forum, its committees (if any) and officers, shall at all times respect the diversity of views of its members and it shall be the duty of any committee or officer, when representing the Forum in meetings or other exchanges with BW or with the media, to give proper expression to that diversity. The duty to respect diversity of views shall not prevent the seeking of consensus and presentation of such consensus where it exists.

### **Amendments**

34. This Constitution may be amended at a General Meeting of the Forum by a two thirds majority of the votes cast by members through their representative present at the meeting provided the proposed amendments are included in the notice of the meeting.

**Interpretation**

35. In this Constitution:

‘member’ refers to a group and organisation and ‘membership’ shall be construed accordingly

‘public authority’ means any body so defined by section 3(1) of the Freedom of Information Act 2000 or which is a Scottish public authority within the meaning of section 3(1) of the Freedom of Information (Scotland) Act 2002.

‘representative’ means the authorised representative of a member as notified to the Secretary of the Forum from time to time.

‘waterways system’ has the meaning given in paragraph 1