

# **Airport Policing, Funding and Security Planning**

## **A Consultation Paper**

*Department for*  
**Transport**



# Contents

<b>Foreword by Secretary of State for Transport and Home Secretary</b>	<b>3</b>
<b>1. Executive Summary</b>	<b>5</b>
<b>2. How to Respond</b>	<b>6</b>
<b>3. Introduction and background</b>	<b>7</b>
<b>4. Current legal framework</b>	<b>9</b>
<b>5. The need for change</b>	<b>11</b>
<b>6. A new approach</b>	<b>14</b>
- Risk assessment	16
- Collective responsibility	18
- Airport Security Plans	20
- Funding of airport policing	23
- Dispute Resolution	26
<b>7. What this means for you</b>	<b>28</b>
<b>8. Guidance</b>	<b>29</b>
<b>Impact Assessment</b>	<b>30</b>
<b>What Happens Next?</b>	<b>31</b>
<b>Code of Practice on Consultations</b>	<b>32</b>
<b>List of consultees</b>	<b>33</b>
<b>Annex A: consultation questions and response form</b>	<b>34</b>

## Foreword by the Secretary of State for Transport and Home Secretary

Since the 1970s, air travel has grown five-fold and air freight movements have increased more than three-fold. As a result, airports have become increasingly complex environments, with implications not just for general operations but also specifically for security.

The Government's challenge is to ensure that security regimes for protecting passengers, staff and infrastructure are effective but proportional to the threat; that risk is kept to an acceptable level without unduly curtailing airport operations. Mindful of this, Ministers set the regulatory framework for aviation security - a framework which is constantly evolving in response to new developments. Airport operators, the police and other agencies then deliver this on the ground. This is a difficult job; which the aviation industry works hard to deliver.

As a consequence, airports are secure places, and it is widely acknowledged that the UK runs one of the most effective security regimes in the world. But they continue to present a distinct security challenge: the incident at Glasgow airport last year and the alleged liquid explosives plot of 2006 bring this into sharp focus. Sadly, the threat of terrorism is likely to remain with us for some time; and there is also wider criminality to consider. Regulation needs to keep pace with this evolving criminal environment, ensuring that security is sufficiently well-planned and wide-ranging to reflect the range of threats.

The proposed new arrangements for airport policing, funding and security planning set out in this document do not aim to radically transform the way in which security is delivered at our airports. There are already robust regimes in place to do so. What they do represent is an acknowledgement that security decisions at airports, above and beyond the regulatory minimum, can be finely balanced, and can be delivered by more than one body. Moreover, that for things to change, open discussion and senior-level endorsement is essential. The police can play a key role here, working closely with airport operators to provide an essential protective security and investigative function in addition to their community policing role.

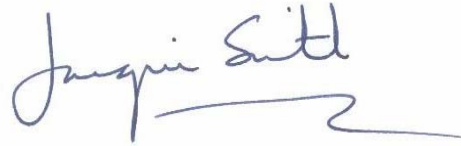
The measures we are proposing for inclusion in the Transport Security Bill aim to provide a framework within which robust and accountable decisions can be taken. We want to ensure a seamless approach to airport security that builds on the existing security regime. The framework is not overly prescriptive and will be flexible enough to apply to any airport. It also moves the funding of airport policing into the twenty-first century, so that where airports and the police at a local level agree that a permanent police presence is necessary, there is a clear and transparent process for delivering this.

The proposals build on the 2006 Review by Stephen Boys Smith that specifically looked at airport policing. This consultation document sets out the product of 18 months subsequent work, led by the Department for Transport and Home Office in close collaboration with senior stakeholders from the

industry and police. It is essential that we have a complete picture of what the proposed new approach will mean for individual airports. Please do take the time to respond to this consultation.



**Rt Hon Ruth Kelly MP**  
Secretary of State for Transport



**Rt Hon Jacqui Smith MP**  
Home Secretary

# 1. Executive Summary

1.1 This consultation paper invites responses from stakeholders on the Government's proposals to make airport security planning, and the funding and activities of the police at airports, more transparent and strategic in nature.

1.2 The proposals build on the Independent Review of Airport Policing that was submitted to the Government in July 2006. The Review identified several areas that could be strengthened across the UK through light-touch Government intervention. The Review pointed to the need for clear responsibility for delivering security, and stronger, more open working relationships between security stakeholders. The Review also made clear that policing costs should generally be met by the airport sector. Ministers accepted the broad thrust of these recommendations.

1.3 In May 2008 the Government announced its intention to place its airport policing and security planning proposals on a legislative footing as part of the Transport Security Bill. This builds on joint work taken forward by the Department for Transport and the Home Office. A legislative framework is only part of the answer - a comprehensive set of guidance will be published to underpin the new process.

1.4 The current legal and regulatory framework, set down by Government, is prescriptive with regards to measures for handling and screening staff, passengers and cargo, focussed on counter-terrorism measures. There is no such framework for addressing wider criminality, nor for identifying the wider police role in supporting the aviation security regime at UK airports.

1.5 Airports present a distinct and complex set of security challenges that need to be addressed through robust consultation and co-operation between the airport operator, the police, and other security stakeholders. The new security planning process set out in this document addresses this requirement. The consultation also sets out the intention that all UK airport operators should pay for agreed levels of dedicated policing at their airports.

1.6 The new approach has five distinct stages:

- i) risk assessment: inter-agency analysis of threat and risk posed by terrorism and other criminal activity - building on the work of existing Multi-Agency Threat and Risk Assessment (MATRA) groups at most airports
- ii) collective responsibility: senior, empowered stakeholders taking forward actions to enhance security with clear lines of individual accountability
- iii) Airport Security Plans: a forward-looking plan that addresses what needs to be done and by whom
- iv) police funding: appropriate policing levels targeted at mitigating threats to the airport, agreed and paid for by the airport operator

- v) dispute resolution: a robust, flexible process for unlocking disputes in cases where parties cannot agree.

1.7 The new proposals will apply to all sixty-three airports in the UK that are currently subject to the National Aviation Security Programme, and associated directions made under the Aviation Security Act 1982. Generally, this includes airports handling commercial flights but not those small aerodromes that only deal with private aircraft. All stakeholders at an aerodrome will have some involvement in carrying out security planning, with the airport operator and police having the most significant role.

1.8 Guidance to support the new process will be extensive, addressing all of the stages of the new framework as set out in section 6 of this document. In addition, a new common threat assessment will be provided to risk assessment groups to provide a common understanding of threat.

1.9 An impact assessment is being published alongside this document on which the Government is also seeking views.

## **2. How to respond**

2.1 The consultation period runs from 16 July 2008 to 8 October 2008. Please ensure that your response reaches us by 5pm on the closing date.

2.2 If you would like further copies of this consultation document it can be found at [www.dft.gov.uk/consultations](http://www.dft.gov.uk/consultations). Please send consultation responses, preferably by email to [airportpolicing@dft.gsi.gov.uk](mailto:airportpolicing@dft.gsi.gov.uk) or by post to:

Steve Bragg  
Aviation Security Division  
Department for Transport  
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105 Victoria Street  
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2.3 This consultation has been produced in accordance with principles of the Government's "Code of Practice on Consultation", a copy of the consultation criteria are included on p35 of this document.

2.4 Please state whether you are responding as an individual, individual organisation or group of organisations. If responding on behalf of an organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled. A form is available at Annex A to record your response.

2.5 A list of those consulted can be found on p34. Elements of your consultation response may need to be shared with colleagues in the Department for Transport and the Home Office, and/or be published in a summary of consultation responses. Unless you tell us otherwise, we will

assume you are content for us to do this, and that, if you are replying by email, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

2.6 According to the requirements of the Freedom of Information Act 2000, all information contained in your response to this consultation may be subject to publication or disclosure. This may include personal information such as your name and address. If you would like your response (or part thereof) or your name and address to remain confidential, you should explain why confidentiality is necessary. Your request will be granted only if it is consistent with Freedom of Information obligations.

### 3. Introduction and background

3.1 The Transport Security Bill, announced by the Prime Minister on 14 May as part of the draft legislative programme for 2008-09<sup>1</sup>, provides the opportunity to achieve a more transparent airport security planning process, including identifying the policing element, underpinned by comprehensive guidance. **This consultation document aims to capture your views as to how we might best achieve this and what the implications of our proposals might be for you.**

3.2 The proposals set out in this document have developed from the recommendations set out in the Independent Review of Airport Policing that was submitted to the Secretary of State for Transport and the Home Secretary in July 2006. The 2006 Review built on earlier work carried out by Sir John Wheeler. Published in 2002, the Wheeler Review looked at how airports could be made more secure from the threats posed by terrorism and organised crime.

3.3 The Wheeler Review was broadly supportive of the existing security regimes at airports, however it did identify the need for greater clarity around the role of uniformed police. In 2006 Stephen Boys Smith carried out the Independent Review of Airport Policing in response to this concern. The purpose of the review was to examine the role of police at airports, develop a model and criteria on which future policing arrangements could be based, and make proposals for a fair and transparent funding mechanism. It focussed on the uniformed police at airports. Special Branch officers did not fall within the review's remit.

3.4 The review reported to the Secretary of State for Transport and the Home Secretary in July 2006. Ministers accepted the broad thrust of the Review's findings. The Review was critical of the current system of designation and highlighted the principal difficulties with the current system of

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<sup>1</sup> <http://www.official-documents.gov.uk/document/cm73/7372/7372.pdf>

airport security planning and airport policing, and recommended a new system, building on the current model, that would address the problems.

3.5 There were several concerns with the current situation that the Review identified at some airports:

- an absence of shared strategic vision amongst security stakeholders
- a lack of fruitful relationships and open communication between stakeholders at individual airports
- risk assessment producing detailed analysis that is not translating into the delivery of mitigating actions
- misunderstanding as to individual roles for delivering airport security
- a lack of a national vision for the appropriate security response necessary to meet the national threat
- the omission of airport policing from the mainstream policing agenda

3.6 The Review concluded that the failings of the current system had given rise to an unfair and ineffective system which was generating perennial disputes about police funding and the role of police at airports. These failings were in part explained by differing cultural approaches to the delivery of security, which explained some of the difficulties which had arisen over airport policing. This could be explained by differing *perceptions* of risk, evident in discussions between police and airport operators as to what security measures might be needed in response to specific threats to the airport.

3.7 In response to this analysis, the Independent Review of Airport Policing made recommendations for a new system for security and policing at airports:

- endorsing the principle of joint accountability for airport security and the concept of airports as “communities” where stakeholders must work together in full partnership to protect against a range of threats.
- recommending continued and enhanced liaison between key stakeholders, including Government Departments, the Police Service and airport operators at both national and local level to maintain a consistent understanding of and response to threats and risks.
- endorsing the current Multi-Agency Threat and Risk Assessment (MATRA) approach already in place at UK airports and recommending that it is strengthened further with the introduction of an airport security committee with a decision making function and responsibility for putting in place an airport security plan.
- recommending the current system of “designation” be discontinued and that policing costs should generally be met by the industry on the basis that policing forms part of an agreed airport “community” response, that costs are clear and transparent, and that policing at airports is brought within the mainstream policing agenda.
- recommending that these arrangements be placed on a statutory footing.

3.8 The Review also noted that it is perfectly possible to deliver a secure airport without the need for a dedicated police presence.

3.9 Ministers agreed with the broad thrust of these findings, stating so publicly in a written ministerial statement to Parliament in 2006. Since this time, the Department for Transport and Home Office, jointly, have been working closely with national representatives from the police and airport sectors to carry out further analysis, refine the recommendations and identify how these might be applied on the ground at airports across the UK.

3.10 The work to develop the new framework set out in section 6 of this document has been taken forward under the oversight of a senior-level Programme Board which continues to meet and includes representatives from the Airport Operator's Association, Association of Chief Police Officers, National Co-ordinator of Ports Policing, Association of Police Authorities, and Her Majesty's Inspectorate of Constabulary. The British Air Transport Association and UK Border Agency have also been invited to join the Programme Board.

3.11 The Policing Green Paper being published separately includes a chapter on border policing which sets out a summary of the work already in train for further strengthening the security of the UK borders. It also invites views on the future structure of border policing, including an option proposed by the Association of Police Officers for a single national border force. However the Green Paper does not directly affect the proposals that are set out in this paper for changes to the protective security arrangements at airports.

**3.12 The Government intend that the proposals set out in section 6 in this document will apply to all UK airports currently regulated as part of the National Aviation Security Programme (NASP)<sup>2</sup>.**

**Q1. Do you agree that the concerns identified in the Independent Review form the right premise for Government action?**

## **4. Current legal framework**

4.1 The Secretary of State for Transport is responsible for regulating preventative counter-terrorism security for aviation in the UK. This responsibility is fulfilled primarily through the National Aviation Security Programme (NASP) and the legal powers that underpin this. The regulatory framework, determined and administered by Transport Security and Contingencies Directorate (TRANSEC) in DfT, sets out mandatory measures and associated guidance for the UK aviation industry. It covers requirements relating to airports and airlines including the screening of passengers and their bags as well as cargo, vetting, training, and the protection of aircraft.

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<sup>2</sup> Airports directed under powers in sections 12, 13, 13A and 14 of the Aviation Security Act 1982. NASP airports are currently those hosting commercial flights using aircraft that are either more than ten tonnes in weight or have more than nineteen seats.

Industry is responsible for implementing the relevant security measures and for complying with them.

4.2 The NASP provides for a comprehensive regime to mitigate against terrorist activity, and addresses aviation as a whole. There is no such regulatory regime that provides a framework for addressing wider criminality at an airport. Security in these areas is the responsibility of the airport operator, often with close support from the local police force which has statutory responsibilities to ensure the safety of the public and prevent crime.

4.3 The Policing of Airports Act 1974 designated nine airports for policing purposes – London Heathrow, London Gatwick, London Stansted, Aberdeen, Edinburgh, Glasgow International, Glasgow Prestwick, Birmingham and Manchester (the then publicly-owned British Airports Authority plus Manchester and Birmingham airports). Until 1974 each of those airports had their own private airport police, the British Airports Authority Constabulary (BAAC) and individual forces at Manchester and Birmingham. However, in the light of the growth in passenger numbers, it was decided to discontinue BAAC and to designate all BAA airports, irrespective of their size and Birmingham and Manchester. The legislative change meant that policing was provided by local forces under the direction of the Chief Constable, with costs generated by individual airports met by the respective operator. Since 1974, no airports have been designated or de-designated.

4.4 The 1974 Act was subsequently repealed and replaced by the Aviation Security Act 1982 (ASA) which maintained the same nine designated airports should be policed in the interests of the preservation of the peace and the prevention of crime. At these airports, the airport operator is required to meet the agreed costs of policing the airport. The 1982 Act was subsequently amended by the Civil Aviation Act 2006 (CAA), which placed a requirement on the airport operator and police force and authority at designated airports to agree a Police Services Agreement (PSA) and legislated for a dispute resolution process, including the appointment of independent experts, where a PSA could not be reached.

4.5 Legislation relating to policing airports provides details of powers they may exercise but not of the specific duties police should fulfil at airports, which means that their precise functions have been left for each force to determine. However, because of certain powers, there are certain duties such as armed patrolling or stop and search which only the police can undertake. Similarly, the UK Border Agency carries out certain statutory duties that only it can perform. This has sometimes led to disagreement over the requirement for, or role of, police and other agencies at an airport and more generally, where accountability lies. We do not intend to be prescriptive about the role of the police or other stakeholders at an airport, as this should primarily be for airport security stakeholders to consider locally based on the circumstances of an individual airport. However, we will provide guidance that will inform these discussions.

4.6 The current and future legislative framework for aviation security will be applicable to the whole of the UK, since transport security is a reserved matter. The Scottish Executive has legislative responsibility for policing and criminal justice and will continue to be consulted on the provisions in the Transport Security Bill. There are proposals to devolve similar powers to the Northern Ireland Assembly which will need to be considered as the Bill progresses. Policing and justice policy for Wales are reserved matters. All of the devolved administrations will continue to be consulted on the proposals set out in this document.

## 5. The need for change

5.1 Airports are distinct environments that present particular security challenges. There are a number of specific threats to airports which reflect a range of criminality that can have implications for the security of passengers as well as airport operations:

- *Terrorism.* Aviation generally, and consequently airports as the places at which terrorists can gain access, are subject to a serious and continuing terrorist threat. Some airports are known to have been of interest to terrorists. Those parts of airports with public access are frequently crowded and if the airport is to function effectively they are, like all such places, intrinsically difficult to protect.

- *Serious Organised Crime.* Some airports, particularly those with significant or high value cargo, can be vulnerable to organised crime.

- *Other Property Crime.* The baggage and possessions of passengers and staff may be subject to theft, as may retail outlets.

- *Public Order.* A very small proportion of the people passing through airports commit public disorder offences, either in the airport terminal or on board a flight.

- *Offences Connected with the International Border.* In addition to offences related to customs, immigration and national security, which fall to the relevant border control agencies<sup>3</sup>, the existence of the border can give rise to other crime such as human or drug smuggling. Offenders apprehended by the border control agencies may be violent.

5.2 As well as having a highly distinct threat profile, airports also have special characteristics which can compound the security challenge:

- are private commercial property to parts of which there is free public access, and to other parts of which public access is tightly controlled or prohibited. Members of the public and staff are no less entitled to the protection of the law because the airport is private property;

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<sup>3</sup> "Border control agencies" now refers to Special Branch Police and the UK Border Agency.

- are frontiers through which people and goods enter and leave the UK. As such, the police, customs and immigration officials have legal responsibilities that can only be discharged there and airports themselves must meet associated legal obligations in relation to border controls;
- are subject to extensive and stringent statutory controls affecting the aviation industry, some of which reflect the UK's international obligations. Crucially, these include the security requirements of the National Aviation Security Programme (NASP);
- can be key parts of the national transport infrastructure which are likely to remain under the threat of terrorist attack. In a few cases, most notably Heathrow, they are amongst the UK's most iconic institutions and any disruption can have a significant economic impact.

5.3 This complexity is reflected in the number of stakeholders that have some involvement in delivering security at an airport and in many ways it is this that makes airports exceptional. The airport operator and police are at the forefront of this challenge and need to work closely together to ensure the threats described above are adequately mitigated. There can also be a significant role for other stakeholders in delivering security, notably for the UK Border Agency in their key role to secure the UK's borders.

5.4 The threats to aviation by and large are not new. The challenges presented by terrorism and crime have been present for decades. The terrorist threat, notably from hijack and also to airports themselves, emerged in the late 1960's and has been sustained ever since. However, UK airports have become increasingly busy, complex environments. UK air travel has increased more than five-fold over the last thirty years and freight movements have more than doubled since 1990. And the evidence points to overall growth in the long-term.

5.5 Moreover, terrorist tactics have evolved over the years with the introduction of increasingly novel forms of attack (as witnessed at Glasgow airport in 2007). Criminality is also not standing still. As well as continuing crime related to theft and disruptive passengers for example, new public disorder considerations have emerged, most notably the recent environmental protests. These clearly present major security challenges for all involved.

5.6 For all these reasons, the Government needs reassurance that there are processes in place to ensure that airport environments are as secure as they can be, and that the travelling public and staff are protected. At most airports, security stakeholders are working together in a constructive way, and frank discussion and planning is the norm. This is evidenced in the way the requirements of the National Aviation Security Programme are met. These activities focus on counter-terrorism measures airside for good reason due to the particular high risks that present themselves.

5.7 But this in itself does not go far enough. Security stakeholders need to work closely together to mitigate criminality right across the airport

estate. The approach for doing so should be forward-looking to counter the sometimes reactive or short-term approach that can currently occur. And importantly, the focus must be strategic as well as tactical, focussing on the analysis of intelligence and the corresponding deployment of resources and investment. And it is essential that airport security remains as seamless as possible, building on structures and processes already in place.

5.8 An effective framework is therefore needed which provides a clear and consistent process for mitigating threats to the airport from terrorism and other crime. This is a role for Government to deliver, in such a way that it adds real value - requiring stakeholders to work together in a certain way without introducing unnecessary bureaucracy. In particular, it will be important that this new way of working allows the police role to be clarified and that the principle of industry funding for certain police activities is clear. The current funding arrangements set out in the legislation are no longer adequate given current national threat levels and recent and forecast growth in the air transport market. And where areas of dispute emerge that cannot be resolved locally, a robust dispute resolution process is essential.

#### Police funding

5.9 The Government takes the view that, in general, the beneficiaries should pay for the dedicated services they receive from the police. In the context of an airport the beneficiaries are the airport operators and their customers - most notably the airlines but also other commercial users of the airport. This approach is consistent with the principle for specific policing in the Police Act 1996 which has been applied to other industries. Section 25 of that Act states that “the Chief Officer of a police force may provide, at the request of any person, special police services at any premises or at any locality in the police area for which the force is maintained, subject to payment to the police authority of charges on such scales as may be determined by that authority”. This provision applies, for example, to football grounds and shopping centres and the provision of this policing is charged on top of the business rates paid. In addition, other specific transport environments including mainline rail stations and the Channel Tunnel (albeit the former being policed by the British Transport Police rather than a Home Office force) are policed and the industry is charged.

5.10 **It is important to be clear as to the scope of the funding principle: airport operators should only be expected to meet the costs of the police contingent that is dedicated to protecting the airport, the people who work there and passengers from the threat of crime, including terrorist activity.** This covers uniformed, CID and plain clothes police activities at the airport, and off airport police resource that directly supports on-site activities (e.g. management of airport policing activities from the local police station). These arrangements do not apply to the national security work of Police Special Branch which is supported by Home Office specific grant in the wider public interest. Further areas excluded from the scope of the funding requirement are outlined at para 6.40,

5.11 The current police funding arrangements at those UK airports that are not designated under the ASA are no longer fit for purpose. At larger airports, dedicated, uniformed police units are in place to perform protective security and general policing functions. Activities range from crime prevention and neighbourhood policing, to dealing with disruptive passengers and the prevention of serious and organised crime. As described above in section 4, only nine of these airports<sup>4</sup> are currently required to pay for these police activities and this situation does not reflect the evolving range of threats, and the increasing size and complexity of airports over the years. Indeed, some non-designated airports are now larger in scale than some of those that are designated. This two-tier approach to airport policing sees some airports having to go through a process of analysis of what the police role is at an airport, and meeting the associated costs, while others do not. The Government shares the view of the police and aviation industry alike that this is discriminatory and needs to be replaced.

## 6. A new approach

6.1 The Independent Review of Airport Policing concluded that it is the Government's responsibility to ensure that airport security planning and agreements on police levels and funding take place in a robust, transparent and structured way. It also concluded that to achieve this, a new process was needed that required security stakeholders to assess threats and take collective action to mitigate them to an acceptable level of risk - in essence, a series of locally agreed arrangements set within a national framework, and informed by a single view of the national terrorist threat. Ministers agree with these conclusions and, in continued close collaboration with stakeholders, we now propose to set out a new security planning regime in legislation.

6.2 Before detailing how we propose to do this, it is important to state that there is no intention here to straightjacket airports, the police and others into a prescriptive regime. But the Government feels that it is important to ensure a consistent minimum standard across the country that delivers certain specific outputs.

6.3 Working closely with national representatives of the airports, police forces and police authorities, we have developed a flexible framework within which security stakeholders can more effectively plan for security. The outcomes that are sought are five-fold:

- strengthened co-ordination and co-operation between airport security stakeholders;
- robust analysis of the current risks to an airport
- clear and agreed roles and responsibilities for the delivery of airport security
- identification and delivery of measures necessary to address vulnerabilities

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<sup>4</sup> Heathrow, Gatwick, Stansted, Birmingham International, Manchester, Glasgow, Edinburgh, Aberdeen, Glasgow Prestwick

- a consistent funding regime for airport policing, that abolishes the current system and requires all airports to meet any agreed policing costs

**Q2. Do these objectives reflect your understanding of what is needed?**

**Q3. Are there any further objectives we should consider?**

6.4 We intend to introduce a series of measures, via primary legislation, to deliver these outcomes. The legislative provisions will:

1. mandate a documented multi-agency threat and **risk assessment** process based on that already in place at most UK airports
2. ensure that senior-level executive group (potentially at managing director or chief Constable level) take **collective responsibility** for effective threat mitigation and security planning
3. require all airports to produce an **Airport Security Plan** that clarifies roles and responsibilities and ensures that actions are taken to mitigate threats where the risk is unacceptably high
4. thereby introduce a transparent process by which the need for any dedicated police presence<sup>5</sup> at airports is determined, and levels agreed, by the airport operator and police force. Where necessary, a process for **funding police activities** will then be captured in a Police Services Agreement
5. establish a robust **dispute resolution** process where stakeholders cannot agree the terms of either the Airport Security Plan or the Police Services Agreement

6.5 Broadly speaking the Government proposes to require that airport operators should take the lead in putting these processes in place designed to underpin collective decision-making. In turn, all security stakeholders will be both responsible and accountable for delivering specified actions or activities.

6.6 Overall, the security planning process is clearly iterative, from initial risk assessment through to establishing the need for a certain police presence. The mitigating activities of the police and other stakeholders will then in turn drive further assessment of risk. Collectively, the outputs from the process will need to be kept under regular review. It is important to note that at some airports, a dedicated police presence will not be necessary (as is currently the case). At others, any dedicated police presence may only amount to a few hours a week. Whether or not a dedicated presence is necessary will depend on negotiation between the airport operator and local police force based on threat and risk analysis and the police role in the Airport Security Plan.

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<sup>5</sup> This refers to uniformed, CID and plain clothes police activities at the airport fulfilling a dedicated protective security or general policing function

6.7 Given the number of threats involved, the shifting intelligence picture, and the number of agencies involved, and the necessary rigour of the new security planning process, national guidance will be essential to ease airports into this new way of working. We already have comprehensive MATRA guidance, and we will build on this to develop a comprehensive set of guidance which will help those responsible for security at individual airports to carry out security planning activities and draw up a Police Services Agreement.

6.8 We propose that the system will apply to all airports currently regulated as part of the NASP. Currently, these are airports that handle aircraft carrying nineteen or more passengers or weighing more than ten tonnes. This is a reasonable threshold given DfT's current compliance relationship with these airports and the fact that no airport outwith the NASP is likely to have a dedicated police presence for the foreseeable future. This position will be kept under review in the light of any changes to the threat level to aviation as well as NASP itself.

**Q4. (Taking the document as a whole) do you agree that the new security planning process should apply to all NASP airports?**

**Q5. If not, which airports should this apply to?**

#### **Stage 1: Risk Assessment**

6.9 The current process of multi-agency assessment of risks to UK airports is known as Multi-Agency Threat and Risk Assessment (MATRA). This emerged from a recommendation in the 2002 Review by Sir John Wheeler that agencies needed to work together to assess the level of threat from serious and organised crime to the airport.

6.10 Around 40 airports currently have voluntary MATRA groups. They can be chaired by any member of the group, but are most frequently chaired by the airport security manager. DfT and the Home Office have produced national guidance as to how a MATRA group might operate and carry out threat and risk assessment.

MATRA groups typically comprise of:

- Airport Operator
- Airport Police Commander
- Airlines
- UK Border Agency
- Serious Organised Crime Agency (where present)
- Special Branch
- Cargo agents
- Other companies/ organisations operating at the airport (e.g. air traffic services provider, retail interests)

**Q6. Do you think this reflects the appropriate membership for a risk assessment group?**

**Q7. Which agencies are essential and should their presence be mandatory?**

6.11 While there are a number of examples of good practice around the country, the effectiveness of risk assessment groups varies from one airport to another. The conclusions of the Independent Review and our own analysis has highlighted some specific weaknesses in the voluntary regime that currently operates, in particular:

- MATRA is voluntary so not all MATRA groups have enjoyed full stakeholder participation
- airport operators can lack confidence in leading discussion and taking ownership of risks without support from central Government
- those attending MATRA groups have lacked the authority to make necessary decisions.
- some confusion around stakeholders' basic accountabilities.
- action points and additional security activities identified as necessary as a result of the MATRA have not been executed at some airports.
- police and border control agencies do not always feel able to share intelligence with the rest of the group, leading to a lack of common understanding as to the risk posed by a particular threat to the airport.

**Q8. How effective is the MATRA group you attend?**

[In your response, you might wish to comment on the use of intelligence, frequency of meetings, scope of activities ,understanding of the process and any improvements that should be made to the process]

**Q9. To what extent are actions agreed at MATRA meetings being followed up and delivered?**

6.12 It is essential that airport security stakeholders come together to reach a clear, commonly agreed assessment of threats and vulnerabilities, and that this drives any strengthening of security that may be required (above and beyond the minimum statutory requirements). The Government therefore intends to require that a multi-agency analytical group is in place at all NASP airports. This group, made up of security practitioners with a detailed understanding of airport operations, would be responsible for:

- identifying the threats and risks the airport faces;
- assessing the vulnerability of all their operations to all forms of crime, including threats of terrorist attack;
- assessing the consequences if those threats occurred;

- evaluating the mitigating controls already in place; and
- identifying measures whereby the unacceptable residual risks might be further mitigated.

6.13 The Government proposes that the airport operator be legally required to ensure the analytical function is carried out so that action planning and defined outcomes are produced. A process for doing so is set out in the MATRA Best Practice Guidance. Applying this guidance will not be mandatory for threat assessment groups. Groups will be free to employ either MATRA or an equivalent methodology as long as two outputs are delivered and kept under regular review:

- a) an agreed risk assessment detailing the relevant threats to the airport and the measures in place to mitigate that risk; and
- b) clear recommendations as to how residual risks should be mitigated where the existing risk is at an unacceptable level

6.14 The assessment of risk will be intelligence-led. The Government will also be distributing a Common Threat Assessment (CTA) for all analytical groups to use in their deliberations. The Common Threat Assessment, issued by DfT to all airports, will present an assessment of the current threats to aviation presented by terrorism, serious organised crime and domestic extremism. This initiative will add to the improved transparency and accuracy of the process and establish a common basis for the assessment of threat. To complete the picture, we would also expect local intelligence and crime statistics to form part of the risk assessment.

6.15 The requirement to carry out multi-agency threat and risk assessment would not be overly prescriptive. It is intended that groups meet as frequently as necessary (likely to be at least twice a year), though this should be determined by local circumstances (e.g. local intelligence, size of airports and complexity of operations). We would though expect groups to convene as soon as possible following any major incident.

6.16 The existing, comprehensive MATRA guidance will be revised and circulated to MATRA groups later this year. This document is not for public disclosure. Please contact the Department if you require a copy.

**Q10. What value, if any, do you see in carrying out multi-agency threat and risk assessment?**

**Q11. What are the practical implications of a mandatory threat and risk assessment process?**

**Q12. What improvements would you like to see made to the current MATRA guidance?**

## **Stage 2: Collective responsibility**

6.17 Under current arrangements, MATRA groups carry out risk and threat assessment, and in some cases identify where further mitigation is required to address high residual risks. However, in some cases senior security stakeholders at airports with the authority to commit resources and funding or take decisions about substantive changes to operational practice, do not always engage with the MATRA analysis to make a judgement as to whether the level of risk is acceptable. This can mean at some airports a full assessment of the most appropriate mitigation has not always been completed or achieved.

6.18 Where the risk presented by a new or emerging threat is unacceptable, we want to ensure that there is a framework in place that facilitates action planning - either to change the way current activities are carried out (e.g. training or patrolling), or to authorise new or improved activities that will address the unacceptable level of risk to the airport.

6.19 This notion of collective responsibility builds on the work of MATRA groups and lies at the heart of our proposal for an executive, decision-making group which will be required to assess the risk assessment produced by the analytical (MATRA or similar) group and any recommendations as to how the threat might be further mitigated.

6.20 We intend that the same agencies represented in the multi-agency analytical group will be represented to perform the executive function [see para 6.10] with the local police authority also consulted. The executive group will be made up of decision-makers rather than security practitioners. For example, a police sergeant might be the senior on-site officer and therefore member of the analytical group but it might be for the local area commander or even Chief Constable to take decisions about his or her agency's role at the airport. We propose that the executive group would be set up and convened by the airport operator as the stakeholder responsible for delivering overall airport security.

### **Q13. Is this the right representation for an executive group?**

6.21 Other agencies will be responsible for taking part in the executive group and it will be essential that their representatives have the authority (or are granted 'delegated authority') to commit themselves and their organisations to undertaking measures and spending resources as necessary. Where the executive group collectively conclude that a risk posed by a particular threat to the airport is not acceptable, it will take steps to ensure mitigation is put in place to reduce the risk to a tolerable level. The measures taken may be based on recommendations put forward by the analytical group or might equally be the result of ideas generated by the executive group.

6.22 We want to avoid unnecessary bureaucracy - at smaller airports the same group of people may perform both analytical and executive roles. The important thing is that the functions described above are carried out and the

outputs delivered. The provisions in the Transport Security Bill will be sufficiently flexible to allow this.

**Q14. Do you see benefits arising from the executive group's function, and if so, what are they?**

**Q15. What are the practical implications for an executive group to perform the function set out above?**

**Q16. Members of MATRA and executive committees will be required to be cleared to Counter Terrorist Check level<sup>6</sup> (this can be done via application to DfT). Are there any implications for your organisation in complying with this requirement?**

### **Stage 3: Airport Security Plans**

6.23 The Government's intention is that all airports in the NASP will be required to produce an Airport Security Plan. The Plan will provide greater clarity and transparency as to what each stakeholder's responsibilities are to ensure that the travelling public, airport staff, and the airport infrastructure are adequately protected. The Airport Security Plan (ASP) will be a forward-looking document, capturing the remedial actions agreed by the executive group, building on the requirements of the NASP and extending to general criminality. Specifically, the members of the executive group will be responsible for ensuring that the ASP:

- sets out the current roles, responsibilities and activities of airport security stakeholders as indicated in the risk assessment;
- captures agreement to the current security activities being carried out by their respective agencies;
- sets out risks that the airport community consider adequately mitigated or those where there is no further action possible;
- sets out the actions proposed by the analytical group, and agreed by the executive group, to deliver more effective working practices and/or mitigation of unacceptable high residual risks.

6.24 Actions will often fall to the airport operator and/or police as the primary bodies for delivering airport security, but the UK Border Agency, airlines, other regulated agencies and retailers may also be individually responsible for delivering, or helping to deliver, effective and timely mitigation.

6.25 In some instances the level of risk may be acceptable and there will be no need to put in place any significant mitigation to reduce the risk. In

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<sup>6</sup> A description of security clearance levels can be found at:  
<http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/SecurityandIntelligence/DVA/DefenceVettingAgencyTypesOfSecurityClearanceAndChecks.htm>

which case, the acceptance of this risk will be documented in the ASP, providing an auditable record of decision-making.

6.26 In cases where new or changed activities are required to mitigate a threat to the airport more effectively, the group will be required to agree and capture in the ASP:

- the lead agency responsible for delivering any actions or mitigating measures;
- the resources dedicated to each action or project and the timescales for delivery; and
- how strategic actions and projects will be monitored.

**Q17. Do you see benefits arising from the development of an ASP, and if so, what are they?**

**Q18. Is the scope of the ASP correct? Should it be supplemented by additional elements?**

6.26 We would expect the airport operator to be responsible for ensuring that the ASP is produced, and that it fully reflects the analysis of risk and the measures agreed by the executive group. We suggest that the ASP is agreed for a minimum period of one financial year and that actions and projects already agreed and underway from the previous year would be included in the new ASP. It would also be expected that Plans are reviewed at least once a year to ensure they reflect the mitigating actions required to meet current levels and types of threat.

6.27 There are likely to be two parts to agreeing the Airport Security Plan. The first would be for the executive group as a body to sign to say that they are satisfied that the Airport Security Plan, and supporting risk assessment, are reasonable and that have fulfilled their duty in mitigating the risks to an acceptable level. There would then be a second stage to the process whereby parties would be signing on behalf of their own agencies to show their agreement to fulfil the part of the plan to which they had committed their agency. The airport operator, police, and the control authorities - at senior level - would likely be key signatories. We envisage that Airport Security Plans would be in place for the start of the financial year, but should be reviewed at least once during the year. Signatories would be free to agree an Airport Security Plan for a longer period.

**Q19. How frequently should Airport Security Plans be agreed and reviewed?**

**Q20. What might trigger the need for a review of the Airport Security Plan?**

6.28 The airport manager would have the responsibility for production of the plan, but not for the delivery of the individual stakeholders' responsibilities. However, the airport operator would not be liable for the failure to agree an ASP or negligence of individual stakeholders to deliver their agreed responsibilities.

6.29 As the Independent Review of Airport Policing found, it is not always straightforward to identify where responsibilities lie, notably where these are established in legislation. The Department for Transport and Home Office have commissioned a piece of work to provide a comprehensive description of security responsibilities at selected airports. This will focus on clarifying specific legal obligations and powers conferred on stakeholders and identify where duplication exists or where no specific responsibility is prescribed. This work will be completed in the summer and be reflected in the national guidance.

6.30 The Secretary of State for Transport has a clear interest in ensuring that a process for producing Airport Security Plans is in place that delivers its objectives. However there will be no direct role for the Secretary of State in approving or advising on ASPs, which would be produced and owned at a local level. Nonetheless, we intend that the Secretary of State may from time to time call in an ASP although it is likely that will only happen in exceptional circumstances, for example in the aftermath of an incident.

## **Q21. What are the practical implications of the requirement for security stakeholders to produce an Airport Security Plan?**

### Current Requirement for Airport Security Committees and Programmes

6.31 The new arrangements will likely complement rather than replace or duplicate existing requirements under the ASA 1982 for NASP airports to establish an Airport Security Committee which oversees the production and maintenance of an Airport Security Programme. These existing activities are specifically there to assist in the delivery of security by all Directed Parties. The Airport Security Programme - a detailed, operational description of how the aerodrome manager is complying with Directions issued under the ASA 1982 - would sit alongside the Airport Security Plan.

6.32 We are reviewing the implications of the new executive group for the existing Airport Security Committee. It is possible that, in future, a single group might operate at some or all airports, fulfilling both functions. However, the objectives of each group will be somewhat different. While the Airport Security Committee will continue to have managerial and operational focus, ensuring compliance with detailed directions, the executive group will have strategic, forward-looking function. As with the analytical function, it may be that at smaller airports, the groups will have the same or very similar membership. In which case, risk assessment, action planning and NASP compliance might effectively form agenda items in a single meeting, at other airports, the groups might function separately with more senior representation in the executive group.

6.33 We will produce guidance setting out how these activities might be co-ordinated but would welcome views as to how you see this operating at individual airports. At larger airports, one suggestion is for the current function of the Airport Security Committee be dovetailed with MATRA/threat assessment activities in a single group of security practitioners. The executive group would then function separately, providing senior-level oversight of threat assessment and NASP compliance activities.

#### **Stage 4: Funding police activities**

##### Current situation

6.34 Under the requirements of the ASA (part 3 as amended by schedule 1, section 6 of the Civil Aviation Act 2006), the nine designated airports discuss and agree policing activities and the necessary resourcing levels required to deliver them. The policing levels and associated costs are then agreed in Police Service Agreements (PSAs). The Agreements must:

- set out the level of police services and resources required in the year(s) ahead;
- acknowledge that the police resources will be under the direction and control of the chief officer of police;
- provide for the payment of policing and the facilities to be provided by the airport manager; and
- make provision for modifications to the services to be provided by the police or to the payments to be made by the airport manager as a result of changes of circumstances during the term of the Agreement.

6.35 Negotiations should be informed by the latest MATRA analysis of threat and assignment of mitigating actions to the police (e.g. patrolling, stop and search, or intelligence activities). In the absence of a clear and transparent process that helps the police, police authority and airport operator establish what police activities are required at the airport, recent negotiations to agree PSAs have been difficult.

**Q22. Is the police role at the airport clearly understood by you/other security stakeholders?**

**Q23. [Non-designated airports] Does the airport operator contribute to the costs of any police presence at your airport?**

**Q24. If so, what contribution is made?**

##### User pays

6.36 The principle that industry (as beneficiary) should pay for the cost of specific police services on private premises is well established, applying to other businesses such as shopping centres and football grounds. While

businesses can expect a level of general policing in response to an incident or emergency call to be paid for, albeit indirectly, via business rates, this does not apply to the provision of *dedicated* policing. The principle of payment for dedicated policing is established in section 25 of the Police Act 1996<sup>7</sup> although arrangements are voluntary in nature where possible. Moreover, other specific transport environments including mainline rail stations and the Channel Tunnel are policed and the industry is charged.

6.37 As described previously, the current designation of airports under the ASA 1982 has not kept up with the times or reflected the growth in passenger numbers at airports over the years. Designation has created a two-tier approach to airport policing. At some airports the police role is discussed in detail by the police and airport operator with the latter meeting agreed costs; at the majority of airports with a permanent police presence, generally little or no analysis takes place and costs are borne by the tax-payer rather than the airport.

6.38 Airport operators will not be expected to pay for all policing activities at their airports and as referred to above, some are likely not to require a dedicated presence at all. The decision as to whether a police presence is required should be solely based on risk assessment and agreement as to how a particular threat should be mitigated based on evidence of effectiveness and value for money.

6.39 The operator will fund the police resource as agreed to enable the police to carry out the tasks and responsibilities allocated to them set out in the risk assessment, Airport Security Plan and PSA - see below. Examples of such activities could be landside patrolling and crime prevention, involving uniformed police. Police responsibilities will differ between airports as the threats and risks and the airport security plan will be decided by each executive group based upon the national intelligence picture and local circumstances (e.g. crime statistics). Special Branch activities will continue to be funded centrally, as will certain activities that are carried out to fulfil national policy priorities such as border control. Moreover, there should be no charge to the airport operator for the emergency response where resources are brought in to deal with a specific incident that is in addition to the agreed airport policing level. However, depending on the nature and severity of the incident, it may be serious enough to trigger a review of the Airport Security Plan and therefore potentially the police resource as specified in the PSA.

6.40 In overview, the areas exempt from the funding requirement are:

- obligations on the police arising from the Civil Contingencies Act 2004.
- additional police brought in to deal with a specific incident (including hijack) to supplement any dedicated police presence at the airport .
- the policing consequences of border control activities.
- any other specific police activities required to meet national police objectives.

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<sup>7</sup> [http://www.opsi.gov.uk/acts/acts1996/Ukpga\\_19960016\\_en\\_1](http://www.opsi.gov.uk/acts/acts1996/Ukpga_19960016_en_1)

- In the short-term until agreement can be reached, policing to address a new or escalated threat to the airport.

6.41 By way of illustration, a fictional description of the costs that might typically be captured in a PSA at a small to medium-sized airport is set out in the box below.

*Policing at Williamstown airport*

A sergeant and four constables work a shift pattern to police the airport. They are supported by three PCSOs who carry out traffic management and patrol support duties. An inspector at the local police station provides management support and oversight to the on-site contingent, taking up approximately 10% of his time. The airport police team use a dedicated patrol vehicle. A small office is provided in the terminal building alongside the CCTV control room, as well as lockers in a room shared with security contractors. The police have the use of dedicated computer hardware in the office. In addition, an armed response vehicle based out of the city centre attends the airport for two hours during the morning peak.

6.42 Clearly the financial impact for airport operators that are meeting such policing costs for the first time, could be significant. The impact has been examined in the Impact Assessment that accompanies this document. This is an initial view of the cost and benefits of the new policing and security planning regime. Airports will need to take a view as to whether, and how, they choose to recover any additional costs in the way that they do with existing security costs. It is important that we understand this as fully as possible. On a confidential basis we would particularly welcome feedback on the financial implication of the new requirement to inform the final impact assessment (see section on Impact Assessment).

Police Service Agreements

6.43 It is clear that for costs to be recovered from the airport operator, a formal contractual agreement is required that is negotiated and signed by all the relevant parties: the airport operator, local police force and the policy authority in its oversight role. This accepted, the uneven situation brought about by designation needs to be rectified.

6.44 **A key objective of the Transport Security Bill will be to establish a fair system that requires all airports with a dedicated police presence to meet these costs.** The Government therefore intends to require that Police Service Agreements, where relevant, should be agreed at all airports currently subject to the NASP. This requirement would be based on the legislative provisions that already apply to designated airports.

6.45 The police role at the airport will be informed by the analysis carried out through the risk assessment since this will identify the agency that is best placed to mitigate the threats and how they should do so. The analytical group's assessment will also underpin forward looking actions to mitigate threats in the Airport Security Plan (ASP). The ASP should identify current police activities based on the police role as lead or supporting mitigator of specific threats as well as general police activities at the airport. Importantly, the ASP will also set out police involvement in (significant) activities in the year ahead.

6.46 These outputs from the ASP would provide the basis for the development of the PSA. This would probably include a delivery plan for the coming financial year which would formally capture what police activities are being paid for and the resources required to fulfil these functions. The activities set out in the delivery plan would be informed by the local police plan<sup>8</sup> as well as the MATRA and ASP documents.

**Q25. What are the practical implications arising from the requirement to produce a Police Services Agreement?**

**Stage 5: Dispute Resolution**

6.47 Under the new airport security planning process a robust system will be required that is flexible enough to deal with disputes about the ASP as a whole, as well as the detailed resourcing issues in PSAs.

6.48 A process for resolving disputes over PSAs exists in the current legislation. Currently, under the Aviation Security Act 1982 (ASA), as amended by the Civil Aviation Act 2006 (see sections 25ff), a process exists by which where a dispute arises over a PSA the Secretary of State will notify each party of an independent expert who should deal with the matter. Where the Secretary of State's expert is unacceptable to any one party, the aerodrome manager and, acting jointly, the relevant police authority and Chief Officer of Police shall each appoint an independent expert. Those two independent experts shall appoint a third independent expert to act as chairman.

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<sup>8</sup> Section 8 of the Police Act 1996 requires the Police Authority to issue an annual Policing Plan setting out arrangements for policing of the force area before the beginning of the new financial year

**Q26. What are the issues which might generate dispute when negotiating:**

- a) Airport Security Plans**
- b) Police Service Agreements**

6.49 Disputes that cannot be resolved locally ought to be rare, and a formal dispute resolution mechanism would be employed as a last resort. It will be important to have the appropriate checks and balances to assist the airport operator and police reach an agreement on policing levels and the associated costs. We propose to introduce an informal first stage to the process, whereby the parties in dispute can test the reasonableness of their actions and potentially reach early agreement than having to immediately request that a formal process is initiated. We are exploring which bodies might be best placed to do this, but candidates might include national representative bodies or other impartial observers

6.50 Where agreement cannot be agreed or brokered informally, a formal legislative mechanism will continue to be necessary. Whilst we believe that the current model for dispute resolution process is sound, it will not meet the requirements under the new security planning system as a whole. It is the intention that the current provisions for dispute resolution under the ASA (as amended), are retained, but that these are extended to cover disputes where ASPs cannot be agreed. We envisage a three-stage model for resolving disputes, either over the ASP, or, a PSA:

- Stage 1 - Each party initially seeks advice from a pre-existing representative body to consider the evidence to try and find a local resolution.
- Stage 2 – If Stage 1 does not resolve the dispute it would then be referred to an independent expert, formally appointed by the Secretary of State under the terms of the ASA, to consider the evidence and determine a binding settlement.
- Stage 3 - If the Secretary of State's expert is not accepted by all parties, then each side appoints an independent expert. These experts then in turn appoint an additional expert as chair and collectively they take evidence and make a binding determination on the parties.

6.51 Under current legislation, dispute resolution can only be initiated by either of the parties to a PSA. In future, we propose that the Secretary of State for Transport is given the power to intervene in disputes by directing parties to commence formal dispute resolution for either PSAs or ASPs. This will ensure that parties do not allow negotiations to drift, providing reassurance to Government that the necessary agreements will be in place.

6.52 It is expected that the main requirement for dispute resolution will be for disagreements between the airport operator and the police, although there may be instances, with negotiations over ASPs, where there other parties

may be involved. There are, however, certain areas that will form part of the ASP that are explicitly excluded from the dispute resolution process:

- parties directed under sections 12, 13, 13A and 14 of the ASA may not go to dispute resolution over those duties which are imposed on them through the Secretary of State's directions.
- control agencies where those duties are proscribed by law.
- any other statutory duties required of parties.

6.53 The independent experts would make a binding decision based on the evidence before them and would subsequently apportion any costs between the parties. Costs would be met by a party or parties for both stages 2 and 3 of the dispute resolution process as is currently the case.

**Q27. Is this a workable process for ensuring that disputes over police and other security activities and resourcing at airports can be resolved?**

**Q28. Taken as a whole, would this new framework work at your airport?**

## **7. What this means for you**

7.1 All security stakeholders working at UK airports will benefit from a clearly understood, holistic security planning process which will provide for greater transparency and encourage a more collaborative approach to the delivery of a secure airport environment. It is not our intention to make the process burdensome, and indeed the legislative framework will be sufficiently flexible to meet the needs of all airports, both large and small.

7.2 In terms of new responsibilities, airport operators will be required to co-ordinate the security planning process, ensuring that the relevant parties are invited to participate in security planning activities. While operators will also be responsible for ensuring that the risk assessment and Airport Security Plan is a complete and accurate record of discussions, the airport will not be responsible for the delivery of individual actions for which they are not in the lead.

7.3 Operators will also be required to fund agreed policing activities, and resource mitigating actions in the Airport Security Plan as appropriate - as described in section 6 of this document.

7.4 The local police force, representatives from the UK Border Agency as well as airlines and other Directed Parties will be involved in negotiations to discuss and agree risk assessments and Airport Security Plans. Where current and future activities are allocated to a specific party, this stakeholder would be accountable in the event that their responsibilities were not delivered.

7.5 Similarly, airport operators, local police forces and police authorities, will be required to negotiate and agree the Police Services Agreement, where the need for a dedicated police presence at the airport has been identified. The police force will then be responsible for delivering the functions that are set out in this document.

7.6 Guidance will be issued to airport operators to help them meet their responsibilities.

## **8. Guidance**

8.1 The legislative arrangements for security planning and airport policing will be complemented by detailed national guidance. This will assist stakeholders who are looking to strengthen existing arrangements as well as those looking to work through the process for the first time.

8.2 Comprehensive guidance on setting up a MATRA group, and the assessment of threat and risk, was published jointly by the Home Office and DfT in January 2005. This was well-received by airports and has had widespread use at airports across the country. We are looking to strengthen this guidance to reflect discussions at various MATRA meetings around the country as well as comments received from this consultation. This guidance will also address how the Common Threat Assessment should be used to underpin risk assessment.

8.3 Guidance will also be published on:

- the roles and responsibilities of airport security stakeholders;
- establishing and operating an executive security committee to take strategic decisions on mitigation;
- the development of Airport Security Plans;
- developing and agreeing a Police Services Agreement, including the need for cost transparency; and
- police activities that are out of scope of a Police Services Agreement

**Q29. What specific elements of the security planning process would you like to see covered in national guidance?**

## **Impact Assessment**

An initial Impact Assessment is published alongside this consultation document and can be found on the DfT website at:

[www.dft.gov.uk/consultations/open/airportpolicing](http://www.dft.gov.uk/consultations/open/airportpolicing)

**Q30. Does the Impact Assessment provide an accurate representation of the costs and benefits of each option?**

**Q31. Do the first round costs set out on pages 12-14 of the impact assessment reflect the scale of costs and impacts as you see them?**

**Q32. If not, what areas would you challenge (please provide evidence or data to support your comments)?**

**Q33. What factors will influence future policing costs? How can these be quantified (if at all)?**

A final Impact Assessment will be published alongside the draft Bill in the Autumn in advance of the Queen's Speech on 3 December.

## **What Happens Next?**

A summary of responses will be published within 2 months of the closing date for this consultation on the Department's website. These will be used to inform final decisions on the draft Transport Security Bill as well as the supporting guidance.

During the consultation period (July-October) the Government will be engaging directly with stakeholders around the country to further refine our understanding of what the impacts will be and where guidance will need to provide clarity. This will also be an opportunity to increase awareness of the new measures. As well as attending a number of stakeholder events, DfT and Home Office officials intend to host a national stakeholder event in Autumn 2008.

## Code of Practice on Consultation

The Government has adopted a code of practice on consultations. The code of practice applies to all UK public consultations by government departments and agencies, including consultations on EU directives.

Though the code does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), it should otherwise generally be regarded as binding unless Ministers conclude that exceptional circumstances require a departure.

The code contains six criteria. They should be reproduced in all consultation documents. There should be an explanation of any departure from the criteria and confirmation that they have otherwise been followed.

### Consultation criteria

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time-scale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

A full version of the code of practice is available on the Better Regulation Executive web-site at:

<http://bre.berr.gov.uk/regulation/documents/consultation/pdf/code.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Lec Napal  
Consultation Co-ordinator  
Department for Transport  
Zone 1/33 Great Minster House  
76 Marsham Street  
London, SW1P 4DR  
*email:* [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

## **List of consultees**

The following organisations from across the UK have been specifically invited to respond to the consultation although of course anyone is welcome to do so.

### **Airport sector**

Airport Operators' Association

All regulated airport groups/airports across the UK

### **Aviation sector**

British Air Transport Association

Board of Airline Representatives in the UK

Charter Airline Group

Unaffiliated airlines

National Air Traffic Services Ltd

### **Police**

National Co-ordinator of Ports Policing

Association of Police Authorities

Serious Organised Crime Agency

### **Governmental bodies**

UK Border Agency

Department for Business, Enterprise and Regulatory Reform

Civil Aviation Authority

### **Trade bodies**

British International Freight Association

British Business and General Aviation Association

Association of International Couriers and Express Services (AICES)

### **MPs and Ministers**

Transport Select Committee members

Harry Cohen MP

Andrew Mackinlay MP

Andrew Selous MP

James Brokenshire MP

### **Other interests**

Air Transport Users Council

UNITE (Amicus and the Transport and General Workers Union)

Trade Unions Congress

**Consultation response form**

**PART 1 - information about you**

Name	
Address	
Postcode	
email	
Company Name or Organisation (if applicable)	
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Police
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:	
If you would like your response or personal details to be treated confidentially please explain why:	

## PART 2 – list of questions

Given the scope of the proposals, there are a large number of questions in this consultation. You may therefore wish to focus your responses to the key questions **in bold** or on those sections where you have particular knowledge.

<b>Introduction and background</b>		
Q1. Do you agree that the concerns identified in the Independent Review form the right premise for Government action?	Yes	No
<i>Please set out the reasons for your answer:</i>		
Q2. Do these objectives for the new policing and security planning regime [p12] reflect your understanding of what is needed?	Yes	No
<i>Please set out the reasons for your answer:</i>		
Q3. Are there any further objectives we should consider?	Yes	No
<i>Please set out the reasons for your answer:</i>		
Q4. Do you agree that the new security planning process should apply to all NASP airports?	Yes	No
Q5. If not, which airports should this apply to?		
<i>Please set out the reasons for your answers:</i>		

<b>Stage 1: Risk assessment</b>		
Q6. Do you think this reflects the appropriate membership for a risk assessment group?	Yes	No
<i>Please set out the reasons for your answer:</i>		
<b>Q7. Which agencies are <u>essential</u> and should their presence be mandatory?</b>		
<i>Please set out the reasons for your answer:</i> [In your response, you might wish to comment on the use of intelligence, frequency of meetings, scope of activities ,understanding of the process and any improvements that should be made to the process]		
Q8. How effective is the MATRA group you attend?		
<i>Please set out the reasons for your answer:</i> [In your response, you might wish to comment on the use of intelligence, frequency of meetings, scope of activities ,understanding of the process and any improvements that should be made to the process]		
Q9. To what extent are actions agreed at MATRA meetings being followed up and delivered?		
<i>Please set out the reasons for your answer:</i>		
Q10. What value, if any, do you see in carrying out multi-agency threat and risk assessment?		
<i>Please set out the reasons for your answer:</i>		

**Q11. What are the practical implications of a mandatory threat and risk assessment process?**

--

**Q12. What improvements would you like to see made to the current MATRA guidance?**

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***Stage 2: Collective responsibility***

<b>Q13. Is this the right representation for an executive group?</b>	Yes	No
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*Please set out the reasons for your answer:*

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<b>Q14. Do you see benefits arising from the executive group's function, and if so, what are they?</b>	Yes	No
--	-----	----

*Please set out the reasons for your answer:*

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**Q15. What are the practical implications for an executive group to perform the function set out in this document?**

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<p><b>Q16. Members of MATRA and executive committees will be required to be cleared to Counter Terrorist Check level. Are there any implications for your organisation in complying with this requirement?</b></p>	Yes	No
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*Please set out the reasons for your answer:*

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**Stage 3: Airport Security Plans**

<p><b>Q17. Do you see benefits arising from the development of an Airport Security Plan, and if so, what are they?</b></p>	Yes	No
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*Please set out the reasons for your answer:*

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<p><b>Q18. Is the scope of the ASP correct?</b></p>	Yes	No
<p><b>Should it be supplemented by additional elements?</b></p>	Yes	No

*Please set out the reasons for your answer:*

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Q19. How frequently should Airport Security Plans be agreed and reviewed?		
<i>Please set out the reasons for your answer:</i>		
Q20. What might trigger the need for a review of the Airport Security Plan?		
<i>Please set out the reasons for your answer:</i>		
<b>Q21. What are the practical implications of the requirement for security stakeholders to produce an Airport Security Plan?</b>		
<b><i>Stage 4: Funding police activities</i></b>		
<b>Q22. Is the police role at the airport clearly understood by you/other security stakeholders?</b>	Yes	No
<i>Please set out the reasons for your answer:</i>		
Q23. [Non-designated airports] Does the airport operator contribute to the costs of any police presence at your airport?	Yes	No
Q24. If so, what contribution is made?		

*Please provide any further details:*

**Q25. What are the practical implications arising from the requirement to produce a Police Services Agreement?**

**Stage 5: Dispute resolution**

**Q26. What are the issues which might generate dispute when negotiating:  
a) Airport Security Plans  
b) Police Service Agreements**

*Please set out the reasons for your answer:*  
a)  
  
b)

<b>Q27. Is this a workable process for ensuring that disputes over police activities and resourcing at airports can be resolved?</b>	Yes	No
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*Please set out the reasons for your answer:*

<b>Q28. Taken as a whole, would this new framework work at your airport?</b>	Yes	No
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*Please set out the reasons for your answer:*

<b>Guidance</b>		
<b>Q29. What specific elements of the security planning process would you like to see covered in national guidance?</b>		
<b>Impact Assessment</b>		
<b>Q30. Does the Impact Assessment provide an accurate representation of the costs and benefits of each option?</b>	Yes	No
<i>Please set out the reasons for your answer:</i>		
<b>Q31. Do the first round costs set out on pages 12-14 of the impact assessment reflect the scale of costs and impacts as you see them?</b>	Yes	No
<b>Q32. If not, what areas would you challenge?</b>		
<i>[please provide evidence or data to support your comments]</i>		
<b>Q33. What factors will influence future policing costs? How can these be quantified (if at all)?</b>		