

Government response to consultation on airport policing, funding and security planning

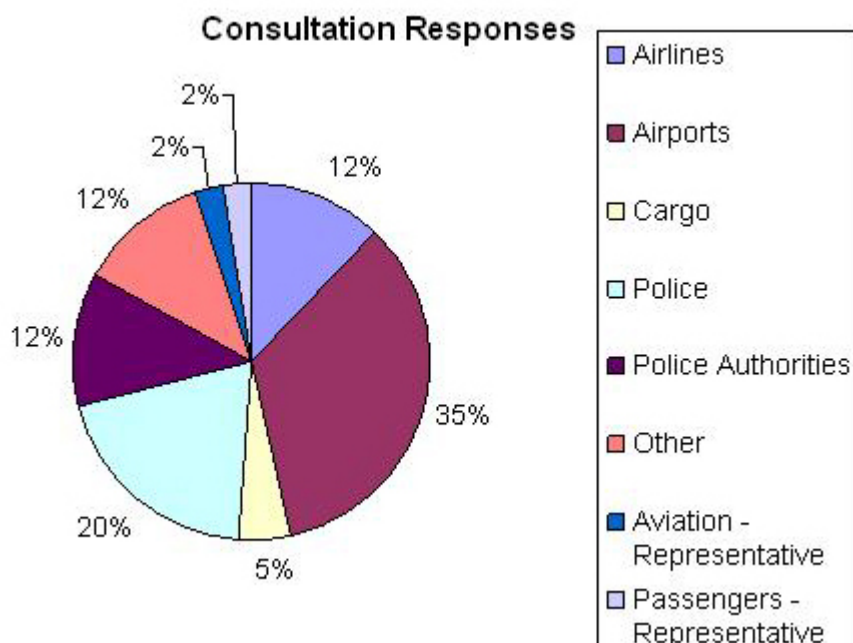
Background

On 16 July 2008, the Department for Transport (DfT) and the Home Office launched a joint consultation on Airport Policing, Funding and Security Planning. The consultation was issued to aviation stakeholders including airports, airlines, representative aviation bodies, police authorities and police forces across the UK. The consultation paper was published on the DfT website on 16 July 2008; the deadline for responses was 8 October 2008.

A total of 42 responses to the consultation were received – 13 from airports and airport groups, 3 from airlines, 1 from an aviation security provider, 2 from other aviation bodies, 8 from representative organisations, 10 from police and police authorities, 2 from national Government / Government agencies, 2 from consumer and passenger bodies and 1 from a private individual.

Please find at Annex A, a detailed list of those who responded. We are very grateful to respondents for taking the time to provide responses including their detailed comments.

The distribution of responses is set out in the chart below:



This document should be read alongside the consultation document as well as the revised impact assessment that accompanies the Government response on the DfT website. The impact assessment has been revised in light of the consultation responses and the subsequent changes to policy and draft legislation.

The following pages provide a detailed response to all of the consultation's 33 questions; though in places, related questions have been taken together. For each question, a summary of stakeholder responses is followed by the Government's response.

General response

We are grateful for the time stakeholders took to respond to what was a lengthy consultation document. Ministers have considered the consultation responses carefully. As a result, Ministers have decided that they, rather than an independent expert panel, should take responsibility for resolving disputes over the contents or implementation of Airport Security Plans (ASPs) and Police Service Agreements (PSAs).

As well as this substantive change to the proposals, amendments have also been made to the draft legislation to provide for a more flexible and saleable framework which can be applied to airports both large and small. We have also reflected respondents' views on the membership of Risk Assessment Groups (RAGs) and Security Executive Groups (SEGs) in the draft legislative provisions to ensure that these groups work logically at all airports.

Naturally, the draft legislation has been shaped by stakeholder views in other ways. The senior level Programme Board that has overseen the work that has brought us to this point has had a key role in shaping the draft legislation. Feedback provided at various stakeholder events and the views aired at our national event in November have also been significant influences.

The legislation only sets the framework within which the new process will operate; guidance will fill in the gaps – suggesting how stakeholders might implement the process to ensure the greatest returns. The draft guidance will be updated extensively to address areas that respondents felt ought to be covered. These areas are detailed in the next section. It is worth noting here that the guidance will be issued on a restricted basis to airport security stakeholders and will not be made publicly available.

Summary of responses and Government comments

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

The majority of respondents indicated general agreement to the concerns identified by Stephen Boys Smith's Review as the premise for action. Some disagreed with the Review's recommendations, especially with the principle that Government should not fund the cost of airport policing. There was greater agreement that the current system of designating airports for policing purposes was no longer workable in practice.

Individual points

1. There was agreement to the 'diagnosis' made in the Review, but not the 'prescription' (representative organisation).
2. Elements of the review do not resolve current and further difficulties but do recognise that there needs to be a unified view at national and local level (police authority).
3. The review's findings failed in its stated aims (airline) and do not go far enough to define boundaries of accountability (police).
4. The current system for security planning and funding policing provides too much scope for subjectivity (airport).

5. A one size fits all model for determining airport policing is not appropriate (airport).
6. A national vision is required to ensure security is delivered in an effective, transparent and proportionate manner (police).

Government response

Ministers agree with the 'diagnosis' in the Independent Review, and after careful consideration of the consultation responses, the body of work that preceded this, much of the 'prescription' as well.

The new security planning and police funding arrangements provided for in the Policing and Crime Bill reflect nearly two years of detailed discussions with stakeholders at all levels. These discussions took the recommendations of the Independent Review as a starting point, but there was never a presumption that the recommendations necessarily represented either a correct or complete solution to the problems identified by the Review.

What we believe the Bill's provisions, and the ongoing work that support these, will deliver is a framework within which evidence-based decisions can be taken to ensure airports are protected as effectively as possible. Although there is an important role for minimum regulatory requirements that are set centrally by Government, it not appropriate to lay these down in relation to every aspect of security at airports. Any system that constrained local decision-making in areas where security measures are not uniformly essential would be ill-conceived. What the new arrangements will deliver is a robust and consistent approach to assessing risk, planning for security, and assessing whether a dedicated police presence is required. Moreover, the new process will be flexible enough to be applied at any airport, whether large or small.

Q2. Do these objectives (set out in section 6.3 of consultation document) for the new policing and security planning regime reflect your understanding of what is needed?

Q3. Are there any further objectives we should consider?

Most respondents agreed with the identified objectives for a stronger, clearer, more consistent and transparent framework for security planning and for funding airport policing. Several had fundamental objections to the proposed process, although generally there was support for a level playing field so that all airports pay for any dedicated policing.

There were also comments and suggestions as to the scope of the proposals and around ways of strengthening the proposed new process.

Individual points

1. The new process will address the differences between designated and non-designated airports and put all NASP regulated airports on a similar footing (police). It will reflect the need for the travelling public to be protected from the range of threats to airports (representative organisation).
2. Important to recognise that it is perfectly possible to deliver a secure airport without the need for a dedicated police presence (airport).
3. Affordability and transparency should be emphasised as desired outcomes. There is a need for sufficient and clear guidance (representative organisation).
4. There must be clear national standards and agreement on non-chargeable police costs, which should be agreed with ACPO (police).

5. Policing terrorist threats should be centrally funded by government. Policing for local criminality should be covered by business rates and special policing levels should be agreed locally between industry and local constabulary (airport). Policing could be sought by airports on a competitive basis (airport).
6. There has been little discussion on the validity of moving cost of national security to industry and it is not consistent with current European Government thinking. UK airports and airlines are less competitive than their European counterparts, since security costs have risen following a period where the taxation burden has increased significantly. Taxation includes the need to pay Airport Passenger Duty, as well as corporate and personal taxation that normally cover national security (representative organisation).
7. Designated airports may be at a disadvantage as it will be harder for them to achieve a 'clean canvas' from which to start a fresh assessment process, which uses the new system (airport).
8. There is concern about how policing costs will be passed on (representative organisation).
9. The proposals represent a merely a bureaucratic attempt to resolve matters and are likely to lead to a continuation of disputes (large company).
10. The significance of accountability and consequent liability should have been considered further. Consideration should have been given to penalising stakeholders who fail to adhere to an agreed ASP. A structured inspection and review process to promote consistency of approach and sharing best practice (police).
11. It would be helpful to consider the use of mutual aid between police forces to ensure sufficient resource to cover demand at airports. The principle of 'user pays' for policing should be extended to other areas, such as seaports (police).
12. There should be a national risk register to be used as a starting point for all stakeholders to engender consistency and to save time. Guidance should be produced to remove subjective elements of judgement and maintain flexibility for MATRA groups (airline/airport).
13. Many small airports are not able to fund additional police activities, so there needs to be an alternative open to them apart from closure (representative organisation).

Government response

The Government acknowledges the points made in relation to appropriate objectives for the new security arrangements. These points include the importance of putting all airports on a similar footing and the need for transparency in discussions between security interests at airports.

Understandably, when answering these questions, many respondents chose to comment on potential solutions to the problems identified in the Independent review, rather than specifically commenting on the appropriateness of the new process' identified objectives. Points made by respondents in this section which do not directly relate to the appropriate objectives for the process are addressed later in this document, in response to some of the more detailed questions that follow. Of note, the important concerns raised by stakeholders as to the funding of policing and the ability to pass on costs are addressed in our response to question 25.

Q4. Do you agree that the new security planning process should apply to all National Aviation Security Programme (NASP) airports?

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

Generally, there was support for all National Aviation Security Programme (NASP) regulated airports as a sensible cut-off for application of the new process, although some expressed the need for measures to be proportionate to the location and scale of operation at smaller airports. One respondent said that it should be extended to non-NASP General Aviation airports and airfields because of the potential threat to NASP flights and another suggested application at seaports and international rail terminals.

Individual points

1. Application to NASP airports should be the minimum standard required and made available as best practice to all non-NASP airports (airport)
2. The complexity of Airport Security Plans should be recognised and proportionate to the complexity and risk of the airport (police)
3. Agree that new process should apply to all NASP airports - although this should be kept under review in light of changes to threat level (representative organisation)

Government response

We are encouraged that respondents agree that the provisions should apply to those airports regulated by the DfT under the NASP. As respondents suggest, we will keep the scope of application of the provisions under review and intend to include powers in the legislation to enable the Secretary of State to include additional airports, or remove airports, from the requirements. This will ensure that we have a flexible and responsive system that can address changes to threat level and build on the learning from the early application of the new measures.

Stage 1: Risk Assessment

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?

The proposed membership for risk assessment groups (RAGs) was generally considered to be right. Many respondents thought that DfT/Home Office attendance was essential, as well as the Serious Organised Crime Agency, where the agency is present at an airport. A few respondents suggested the addition of emergency services and local authority representatives, although one police respondent considered that the proposed membership was already a comprehensive group of partners and any more could become unmanageable. One airport pointed out that not all airports have police commanders; therefore an appropriate level of police presence would seem more suitable in those instances. Another airport thought that all relevant stakeholder attendance was essential and mandatory when risks affecting their specific area of operation were being considered by the group.

Government response

We accept that it is not possible to be categorical as to the membership of RAGs at all airports. Respondents agreed that there are a range of stakeholders who may need to be represented at meetings, where this is appropriate. In the case of UKBA and SOCA, for example, this may be where they have a presence at the airport.

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

We intend to mandate the presence of both the airport operator and the police on the RAG in all instances. Representatives from other agencies will then generally be nominated to the Group by the airport operator, with the Secretary of State able to make further nominations if necessary. In determining the size and make up of the RAG, we would expect the representative of the airport operator and/or the chair of the group to ensure that all categories of stakeholder are represented fairly, whilst ensuring that the size of the group does not preclude effective decision-making. It is worth noting that there is nothing to prevent stakeholders being invited to certain meetings where their expertise or agreement is required, while not inviting them to become full members of the RAG.

Q8. How effective is the multi-agency risk and assessment (MATRA) group you attend?

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

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

Many respondents reported that their MATRA groups were effective in assessing risks to airport. Some reported inconsistent attendance or a lack of contribution from members, and that sometimes effectiveness was dependant on personalities or support from the Chair. Several respondents reported that where financial commitment was required this could cause problems and delay in following up actions.

Nearly all respondents agreed that the MATRA process was a valuable method for assessing and presenting risks to security stakeholders. Some described the process as essential and of high importance. There was some concern around the need for sharing specific intelligence the need for groups to be proactive in addressing risks.

Individual points

1. A properly applied MATRA process would be effective and efficient at assessing airport risks. It is imperative that enhanced MATRA process is mandated (police).

2. The airport operator was often the most proactive participant in the MATRA process, driving and contributing to risk assessment, and suggesting delivering mitigating actions. Stakeholders sometimes have different agendas so evaluation of risks/threats can be subjective (airport).
3. Low level intelligence reasonably well shared, although there was sometimes a lack of targeted intelligence and a national risk assessment (airline/airport).
4. MATRA ensures that key agencies have comprehensive understanding of the risks, how and who is responsible for mitigation, helps identify duplication and areas of weakness that need to be addressed. MATRA will be only as good as the effort, commitment and honesty put into it (police/airport).
5. The process provides documented records for identifying risks and measures to mitigate these (airport).
6. Process should be open to independent inspection on the cogency of decisions and monitoring the delivery of actions (police).
7. Important that process accurately records concerns of all groups and advice given in respect of lowering risk irrespective of cost. Where cost is a factor in not implementing mitigation, this should be accurately recorded. Transparency is key and the airport operator should not be MATRA Chair as they will often have greatest financial commitment (police).

Government response

We are encouraged by the feedback from stakeholders as to the effectiveness of MATRA groups. The Government sees risk assessment as the first plank in the development of an effective security plan at an airport. Rather than start this process from the beginning, we would expect those groups already carrying out risk assessment (commonly using the MATRA methodology) to continue in a reinvigorated form using the enhanced national guidance that will be published in 2009.

Inevitably, the effectiveness of RAGs will in part depend on the commitment of those taking part. We acknowledge that in the past, stakeholders at MATRA meetings have felt that the good work they have contributed in assessing risks has not resulted in change on the ground. This is why we intend to mandate the production of a risk report by RAGs, which in turn will need to be considered by (generally) a more senior body of stakeholders. This senior body will be responsible for taking the resourcing decisions necessary to deliver the security measures needed to mitigate identified risks. This group will be staffed by persons better placed to balance value for money considerations against risk-mitigation recommendations made by the RAG, and where mitigating action is considered necessary, resources and funding can be committed.

Judgements about threats to an airport, and the most effective means of mitigating these threats, are by definition subjective. We believe that the introduction of a Common Threat Assessment, distributed by Government to RAGs on a six monthly basis, will provide a common base from which stakeholders can assess the level of risk presented by threats to the airport.

The Government does not wish to mandate who chairs individual RAGs since we want to retain flexibility in the new system. While in some cases, it might be most appropriate for the airport operator to assume this role, RAG members may collectively agree that a chair from another body might work best at their airport. Either approach is perfectly acceptable.

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

Responses were varied, but there were some common comments around stakeholder commitment and clarity of legal responsibilities, and difficulties around group attendance, training and resource implications.

Individual points

8. The process will add significant cost burdens to operations of smaller airports so the risk assessment exercise could be conducted in a collective manner with airports working together (airport).

9. Risk assessment groups at smaller airports may lack required range of specialists with airport policing, security and risk mitigation knowledge (airline).

10. All parties must attend and accept responsibility for their role; it requires them to be open and honest with each other. It is recognised that there is a requirement for stakeholders to access intelligence and to respond to emerging threats. There needs to be comprehensive guidance to support the process (police).

11. There needs to be a mechanism for airport operators to address any lack of support or commitment by other stakeholders (airport).

Government response

We appreciate the concerns of (particularly) smaller airports as regards the commitment needed to make risk assessment work. A central tenet of the new system is that it is sufficiently flexible and responsive to be able to meet the needs of individual airports. For example, at a large airport, the SEG may feel that RAGs should meet on a monthly basis. At smaller airports, meetings may only be held twice a year, with ad hoc meetings held in response to changes to the threat profile. In some cases it may be that the membership of both the RAG and the SEG are broadly the same, the important point being that the functions of both groups are delivered.

The Government will be issuing guidance to RAGs as to how the group might operate at an airport. This will be of particular value to newly formed groups or where new RAG members do not have experience of carrying out threat and risk assessment. We would not expect all stakeholders on a RAG to have a comprehensive knowledge of airport security and risk mitigation. However, the group collectively should possess this knowledge – knowledge that will be developed by all RAG members over time.

It will be in the interest of all those invited to join the RAG to ensure that they attend meetings and contribute to the development of the risk report and delivery of mitigating actions. The risk report will form the basis for the Airport Security Plan. It will be hard for agencies or industry to argue that they should not deliver certain security measures in the Airport Security Plan if they have not taken the time at the risk assessment stage to contribute to, and agree, the recommendations that go forward to the SEG. Furthermore, although the RAG is ostensibly there to identify how risks might be mitigated, it will also (and does currently) provide a valuable forum for the exchange of ideas, and development of strong working relationships.

There was a general concern that legal responsibilities are unclear as to which agency should be principally responsible for mitigating a threat. We accept that the broad statutory duties that exist for ensuring public safety do not resolve this issue, which is why open and

constructive RAG discussions are essential to identify which body (or bodies) is best placed to mitigate the risk of a threat materialising.

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

Some of the responses related to improvements to the MATRA process more generally, for example mandating membership, ensuring time limits for delivery, and having a central government overview. A police respondent felt that the outcomes of MATRA should influence development of the NASP with a national parallel process to gather learning from the MATRA process.

In terms of guidance, one airline said that existing guidance would need simplification, particularly in relation to risk scoring. One police respondent commented that the original MATRA guidance was outdated, and that the enhanced guidance was improved. Two airports felt that “intangible” issues such as police roles in providing public reassurance and crime prevention need to be addressed as these were key areas of disagreement in terms of what adequate mitigation was required.

Government response

We are grateful for the helpful suggestions put forward by respondents. The existing MATRA guidance, which drew a number of positive remarks, will be enhanced in response to the points raised in the responses to the consultation. This guidance will support the enhanced risk assessment process as part of a larger set of guidance that will take stakeholders through the whole of the security planning process.

Guidance material will be amended to reflect the final shape of the legislation.

Stage 2: Collective Responsibility

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

There were mixed responses to this question. Whilst some respondents felt that the membership was about right, several felt there was little value in an executive group and others felt that membership should include other stakeholders.

Individual points

1. It is essential that representatives of key stakeholders have the authority to commit resources/funding and make decisions (police).
2. Police authorities should be included to agree level of police resources recommended by airport security stakeholders. Acknowledge that at smaller NASP airports the same individuals may represent agencies on MATRA (or RAG in future) as well as the executive group (police).
3. There is little value in the executive group as decisions will need to be taken at Board level within respective stakeholder organisations (airports).
4. Inclusion of the security services provider, where contracted out, is essential to decision making process (airport). Local authorities could also have a role (police)

Government response

Stakeholders on both the policing and aviation side have been quite clear in their concern that senior level buy-in is essential in order to drive through the changes or investment that

might be needed to deliver effective airport security. This is why the Government is proposing, in support of the recommendation in the Independent Review, that Senior Executive Groups should be formed at all airports to complement the operational level Risk Advisory Groups.

As respondents have rightly made clear, those attending SEGs will need to have sufficient authority to commit their organisations to deliver measures assigned to them in the Airport Security Plan. We accept that it might not always be possible for those attending SEG meetings to commit their organisations to mitigation measures without referral back to colleagues. However, where SEG members are unable to take decisions without referral back to their Boards we would expect them to expedite the decision making process by working closely with their Boards before and after SEG meetings as may be necessary, in order to ensure that chances of quick agreement are maximised.

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

The majority of respondents saw benefits arising from this function such as collaborative working and strategic ownership across agencies. They felt that accountability for decisions as to whether further mitigation is required and the commitment of resources had to be made at appropriate levels within organisations. However, several respondents saw little benefit, citing concerns that the function could add greater bureaucracy to the process and actually risk delay in decision making.

Individual points

1. There would be greater bureaucracy and expense and further delay in investment decisions. Executive group members will not have sufficiently detailed security knowledge and are likely to delegate to MATRA group leading to lack of ownership (airports).
2. There needs to be a strategic body that will sit above MATRA giving a clear strategic steer on priorities and have the ability to plan and commit to longer term requirements for resources. Risks would be accepted at senior level (police).
3. Benefits will arise provided those present were senior enough to commit their organisation's resources to implement the decisions taken (representative organisation).
4. Experience in field of aviation safety (as distinct from security) demonstrates that it is essential to have accountable managers if improvements to measures are to be delivered (representative organisation).

Government Response

Many airports are already operating MATRA groups on a voluntary basis. The DfT has been keen to respond to the feedback coming from stakeholders already involved in this work. In general terms, the large majority of participants consider that their MATRA groups are operating successfully. However, a key concern raised has been that, while the security analysis work conducted by the groups is of a high-quality, there are too many instances where risk mitigation recommendations are not being acted upon.

The SEG is expected to provide benefits in this respect. Members will be of sufficient seniority to expedite decision-making in respect of the commitment of resources. Under the terms of the legislation SEG members will be tasked with specific responsibilities, which should assist in the provision of clarity in relation to ownership issues. The legislation will not compel the SEG to accept all recommendations made in respect of the mitigation of risk.

However, where the SEG consider that alternative action is more appropriate, a clear audit trail in respect of that decision-making will be created.

It is true to say that not all SEG members will have detailed knowledge covering the full range of security measures under discussion. For this reason we would expect the respective representative on the RAG to discuss the measures with his senior colleague in advance of SEG meetings. We would hope this process would also help to improve communication and understanding between colleagues at all levels.

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

Respondents commonly saw difficulties around the ability to meet quickly to make decisions and to direct strategy and activity; appropriate levels of seniority and security clearance being at the right level (including deputies); burdens on time resource; and whether agreement between all parties would be forthcoming.

Individual points

1. Groups need to be properly resourced with administrative support. Role of members needs to be properly defined especially if there are members who sit on both executive and MATRA groups (police).
2. Frequency of meetings could delay issues that need promptly resolving (airport)
3. Recommend checks in place to ensure executive groups do not ignore MATRA recommendations in favour of cost efficiencies (representative group)
4. Need to be clear what responsibilities executive members have when signing off ASPs (airline/police)

Government response

Overall, we consider that a multi-agency approach to the assessment and mitigation of risk offers real advantages for security at airports. There is a strong public expectation that security stakeholders at airports should be working together to effectively mitigate risk. We appreciate that there are already substantial levels of collaborative working underway at airports and our expectation is that the new legislative proposals will build on the work already taking place.

It is appropriate and important for senior staff to be sufficiently involved in the security planning process to ensure that the actions necessary to mitigate threats are in place. And it is essential that they take the time to consider the evidence provided by the airport's RAG and attend the SEG wherever possible. This is not to say that we expect SEGs to convene as frequently as RAGs and it is perfectly acceptable for the SEG to delegate work to the RAG, where this work falls within the remit of the RAG's statutory functions. However, the ASP must be signed off by SEG members with a clear understanding of the commitment they are making on behalf of their organisation when they do so.

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?

The majority of respondents answered 'no' to this question. A few police organisations said that seeking clearance may have an impact on forces managing this process, although one

force said that several officers were already cleared to this level due to general policing requirements. One respondent expected Security Check (SC) level to be required for all members. Another suggested SC may be required for some specific posts at larger airports.

Government response

It is encouraging to hear that stakeholders see the rationale for clearing members of MATRA (or RAG) groups to Counter Terrorist Check (CTC) level and are of the view that this will not cause practical difficulties. In fact, we recommend that those currently members of MATRA groups are cleared to this CTC level – something that can be done on application to the Department.

Stage 3: Airport Security Plans

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

A significant number of respondents indicated that they would see benefits arising from the development of an Airport Security Plan. The development of such a plan would provide a platform for the airport to identify clearly defined accountabilities, responsibilities, and activities for each security stakeholder. There were concerns from a few stakeholders that such a process had a danger of being overly bureaucratic and would not improve security arrangements.

Individual points

1. An Airport Security Plan would provide a clear and agreed understanding of who does what, to what level, and why (police).
2. A rigorous plan is important to ensure that foreseeable threats can be anticipated and plans developed (representative organisation).
3. The Airport Security Plan would provide an agreed strategy for all to work from, providing clear guidance as to each agency's responsibility, allowing for better identification of allocation of resources (police).
4. An Airport Security Plan is an unnecessary additional layer; all airports are currently required to produce an Airport Security Programme (under the NASP). Confusion as to why the Government is treating aviation security and airport security as two separate issues requiring two distinct processes (airline).

Government response

The purpose of an ASP is to provide greater clarity and transparency about roles and responsibilities for stakeholders involved in addressing airport security, and to enable the effective delivery of measures to adequately protect the travelling public, airport staff and infrastructure.

Any view of airport security naturally includes existing regulatory measures under NASP for which an Airport Security Committee oversees the production and maintenance of an Airport Security Programme. The purpose of an Airport Security Programme is to address how the aerodrome manager is complying with specific Directions under the ASA 1982. This is a detailed operational manual.

The Airport Security Plan on the other hand presents a high-level overview of the entirety of security at an airport, which takes the RAGs risk report and turns this into specific security measures. The ASP will contain security measures that are matters for local determination,

i.e. those not addressed through NASP measures. Landside security measures are the most obvious examples. Therefore, the ASP will complement rather than duplicate the requirement for an Airport Security Programme.

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

A majority of respondents felt that the scope of the ASP was correct. There was a general view amongst respondents that the ASP needed to be supplemented with more detailed guidance on how the ASP process would work.

Individual points

1. Foundations for the contents of the ASP are strong, but there needs to be more detailed guidance before the process will be able to move forward (airline).
2. The ASP should be holistic, capturing all elements of activity at various levels. All levels of police activity, not just those activities charged to the airport operator, need to be captured in the scope of the ASP (police).
3. While the scope of the ASP is correct, there are concerns about delivery. Flexible and innovative guidance is needed to reflect various security activities already delivered; these would complement the National Aviation Security Programme (NASP) (airport).
4. The scope is broadly reasonable but there is concern over the delivery of the ASP. The ASP must be flexible; there can be no standard ASP format for all airports (airport).
5. The relationship between the ASP, MATRA and the NASP should be weighed proportionately against the size of the airports and the level of risk (police).

Government response

Some respondents raised concerns about ensuring the delivery of measures included in an ASP. The Government recognises that this is critical. To address this, we intend to require that ASPs include arrangements for monitoring the implementation of the measures that have been agreed.

Stakeholder comments on the scope of the ASP suggested it was broadly adequate although the Government recognises that guidance will also be required to provide assistance on how the process should work in practice. It is intended that guidance will cover, step by step, how an ASP might be discussed and agreed. This will include:

- Assessing the risk report produced by the MATRA/RAG
- Clarifying roles and responsibilities
- Identifying and agreeing actions including funding and resource arrangements
- Monitoring delivery
- Agreeing the plan
- Reviewing and amending the plan
- An ASP template

It should be noted that where policing measures have been identified in an ASP, the intention is that the detail of the measures and resource arrangements will be captured in a Police Services Agreement.

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?

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

Respondents generally felt that the ASP would need to be agreed and reviewed on an annual basis.

Generally, respondents agreed that situations such as a change in the threat level, a terrorist incident or intelligence to suggest terrorist activity towards the aviation sector would trigger a review of the ASP.

Many respondents felt that there was a need for detailed guidance on producing an ASP. Concerns were also expressed regarding the resources that might be needed to enable the production of the ASP. These concerns also included how much commitment there would be from stakeholders. There was also a call for guidance to provide greater clarity for all as to how accountabilities, as well as roles and responsibilities, might be determined.

Individual points

1. The ASP should be reviewed annually and based upon a 3 year rolling strategy, reviewed every quarter with a caveat to enable impromptu review in response to a change in circumstances (police)
2. The ASP should be a living document, but should be agreed and reviewed once a year. As the MATRA risk register is updated there needs to be a corresponding change to the ASP (airline)
3. The ASP should be reviewed as part of each MATRA meeting, and agreed annually. (police)
4. The need for a review of the Airport Security Plan (ASP) could be triggered by a major security incident; for example, a terrorist attack, intelligence indicating a new threat, or a change to the alert status (airport).
5. Any weakness identified in the ASP should trigger the need for a review of the ASP (police).
6. The ASP should be reviewed in the event of an unanticipated breach of security. This review should be conducted by an external agency (representative organisation).
7. Detailed guidance and templates are required as well as a pre-defined and agreed accountability of roles and responsibilities Commitment and allocation of resources by all organisations (police).
8. Consideration needs to be given to the development of a generic template and guidance to minimise administrative burden on small airfields. This would help to establish a consistent approach (representative organisations).
9. There is a challenge in terms of dedicating the required resources (airport).
10. Airport operators should have the responsibility for the production of the plan, but they should not be responsible for other stakeholders' individual responsibilities or failures (airport).

Government response

Guidance will include guidelines on how frequently ASPs should be agreed and reviewed, including potential triggers that might require the ASP to be reviewed. In line with most responses, Government intends for ASPs to cover a period of at least one financial year with the flexibility for it to last longer where appropriate, but it should end on 31 March of the year in which it is to expire. This approach should aid business planning.

ASPs should also capture the mechanisms and triggers for reviewing and amending the plan. Guidance will include potential triggers such as changes to threat levels, but it will be for individual airports to determine the processes that are appropriate for them. Although guidance will include a generic template to assist in the production of ASPs, the structure and content of individual ASPs will of course need to reflect local circumstances and requirements.

One respondent suggested that production of the ASP would be the responsibility of the airport operator. The Government intends that in fact, the SEG will be responsible for drawing up, and agreeing, the ASP. Those agencies that have agreed to deliver measures in the ASP would then be responsible for doing so.

Stage 4: Funding Police Activities

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

Responses largely reflected local circumstances although there was broad agreement from both police and industry responses that greater clarity on roles and responsibilities was needed.

Some police respondents thought the police role was generally clearer at designated airports that had developed understanding through the Police Service Agreement (PSA) process, although some non-designated airports had closely liaised with police and developed good relationships. Both police and industry respondents observed that not all security stakeholders understood the police role either because there was lack engagement between parties. Some responses highlighted the mandatory MATRA process and new guidance as ways to promote greater understanding of the police role amongst all stakeholders. Where there was collective understanding, there was also greater transparency and good working relationships.

Individual points

Where the police role was thought not to be clearly understood, the following points were raised:

1. There are widely differing views across the UK about the risk, the role and level of police at the airport. Therefore, a standardised approach is lacking (airports).
2. Everyday policing roles are understood but the reasoning behind high level strategies and objectives, and reasoning behind resource decisions need to be shared with stakeholders more widely (airline).
3. There needs to be engagement and discussion about the role of police duties and appropriate mitigation measures (airline/airport).
4. Not all stakeholders understand the role of armed police (airline).

5. Although the operator understands the role of the police, it is less clear to other stakeholders (airport).
6. There is reluctance on the part of some non-designated airports to fully engage with the police because it could indicate a commitment they will have to pay for policing (police and police authority representative organisations).
7. Measures to improve understanding are being taken forward through presentations from the police presence and the formation of oversight groups etc.

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?

The majority of respondents stated that at non-designated airports the operator did not contribute to the costs of any police presence. However, some airports did have agreements in place for airports to make a contribution. Others drew upon ACPO funds to support community policing efforts.

Some expressed the view that the national threat of terrorism was the main threat faced by airports therefore policing costs should be met from Government resources. Others stated that airport operators did make a contribution to the policing effort through business rates, or through the provision of infrastructure support, office space and training facilities and co-operation.

Government Response

We are encouraged that the police role was generally clearer at designated airports that had developed an understanding through the PSA process, as this is a key component of the new framework. We know that there is willingness to work in partnership and that there is acknowledgement that airport security requires strong team working, but we are also aware that at some airports this has not been the case. We intend that the new arrangements will provide a firm foundation for building better relationships and understanding of roles between parties. We are developing tools as part of our guidance to support stakeholders in identifying roles and responsibilities where risk mitigation is required. This will extend beyond the police role. Airport police, including armed officers, are there to carry out a range of policing duties. Meeting security costs, whether for the requirements set out in the NASP or for policing, is a part of running an airport business and has to be built into business planning. There will be specific counter terrorist police activities that industry will not pay for and we will be explicit about this in our guidance.

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

Respondents identified a number of practical implications and concerns arising from the requirement to produce a Police Services Agreement (PSA).

Industry responses highlighted concerns over costs which ranged from the impact on profitability for some non-designated airports to the ability to recover costs from other airport users and beneficiaries. Airlines were concerned that costs would be passed on in a disproportionate manner although they were not the sole beneficiaries of airport policing. Some responses expressed support for a passenger levy collected by the Government rather than using the PSA mechanism to pay for airport policing as they would be the largest group of end users.

Differences in organisational culture would have to be worked through. The example of service level agreements was given as they were the norm for operators in other areas where they paid for services but they thought that this would not necessarily translate to police services. There was also a concern that a commercial enterprise's view of risk would vary from that of a publicly funded body.

Some respondents also expressed the need to ensure that PSA negotiations did not affect or damage strong working relationships to provide robust responses to incidents. Some suggested financial negotiations should not involve those who had to work together operationally.

Individual points

The following were raised as practical implications in producing PSAs:

1. Detailed guidance to ensure national consistency of approach (police)
2. Stakeholder engagement and co-operation and predefined and agreed roles and responsibilities. (police)
3. Flexible review process to enable responding to changes in a proportionate manner. (police)
4. Alignment of the financial planning process. (police)
5. Attendance at meetings would need to be at the right level [police authority] and senior management would need to be involved and devote time (police).
6. Any requirement for policing measures and costs would be submitted to the organisation's board for consultation at the appropriate level. (airport)
7. The requirement for additional resources, for example the involvement of solicitors or commercial negotiators. (police)
8. Stakeholders who are paying the costs should have the opportunity to be involved in developing the policing plan and be able to consider alternatives to police services. (airlines)
9. Mandatory timescales for implementation and a retrospective charging system where airport security plans were not agreed as required. (police)
10. The process should be easier next time. (police authority)

Government Response

The Government acknowledges the practical implications of producing PSAs. The important issue of impact on affordability is discussed later in the document under responses to the Government's impact assessment.

It will be a commercial decision for airport operators, as it is now for the nine designated airports, whether and how airport operators pass on costs to others at the airport. Where costs are passed through to airlines via airport charges, airlines may in turn look to recover costs from passengers. Again, this will be a commercial decision for those concerned.

It is true to say that airports should not expect to pay for an emergency response or 'blue light' response from the local police force. It might be said that business rates and other taxation paid by airports and their customers are the respective contributions for this service. However, where a dedicated police presence is needed, the Government does not accept that this should be paid for the taxpayer or via a central levy.

There are several policing activities that will not be the responsibility of the airport operator to fund, and so will not feature in a PSA. These areas include police border control work, specific resources for hijack response, police obligations under the Civil Contingencies Act 2004, and police resources brought in to deal with a specific incident that are additional to the agreed policing level. Our guidance for developing PSA's will describe these areas in more detail.

Stakeholders' views of risk will inevitably continue to vary. However, the new process allows for stakeholders to agree on the level of acceptable risk, and where mitigation might be effected by affordability, then other less expensive measures or methods and just as effective, could be explored.

We believe that the new arrangements will protect valuable working relationships at operational/response level since the final decisions in PSA negotiations should not normally involve those individuals who work together at operational level.

Stage 5: Dispute Resolution

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

a) Airport Security Plans

b) Police Service Agreements

Responses identified a number of general issues that could result in disputes over either ASPs or PSAs. These included concerns surrounding undefined roles, responsibilities and accountability, lack of co-operation and engagement at the appropriate level, confidence in partners, unrealistic assumptions and expectations, undefined timescales, availability of independent experts, potential lack of consistency without central oversight, reliance on the dispute resolution procedure, and the different organisational cultures and personalities involved in the process.

When negotiating ASPs, respondents highlighted the following areas which could lead to disputes:

- Disagreement within the MATRA or a lack of confidence in them through ineffective audit and inspection; (police)
- Disagreements on acceptable levels of risk; (police and operators)
- Commercial and financial pressures; (police)
- Lack of trust over intelligence material; (operator)

With regard to PSAs, respondents raised the following issues as matters which had potential to generate disputes:

- Poor understanding of policing role and what is required to provide it (police).
- Different priorities for policing e.g. operator priority may be around visibility and reassurance whereas policing priorities also include crime reduction and intelligence gathering (police authority).
- Lack of clarity regarding policing provision funded through business rates and other grants (operator).

- The number of armed officers (airline).
- Lack of transparency over policing resources (police).
- Lack of guidance on what activities and facilities should be paid for by operators (police).
- Inconsistency across the country (police).
- The inability of airport operators to recover policing costs from other airport users (operators).

Individual points (ASPs)

1. Those stakeholders not funding measures in an ASP are likely to have a biased view of what is required to mitigate risks, and they may still benefit from the measures taken without contributing to those measures (operators).
2. Government affiliated bodies are likely to support one another (operators).
3. Minimalist attitude to enhancing security to keep costs down (police).
4. Committing stakeholders to measures, or assuming that they will undertake measures in an ASP when they have not been present at MATRA or on the airport security executive committee, is likely to be contentious (airline).

Individual points (PSAs)

1. PSAs cannot be agreed where costs cannot be passed on (operator).
2. The ability of airport operator to pay the costs might generate dispute (police).
3. Properly constructed service level agreements are required (operator).

Government response

The Government appreciates that there may be genuine areas of dispute that may arise when the contents of ASPs and PSAs are being discussed and agreed. This may be more likely in the first couple of years as parties develop their collective understanding of the process and the issues under discussion. Experience with the development of PSAs at 'designated' airports has shown that the process of negotiation has built stronger, more open and transparent relationships between the police and operator. We would expect all parties to realise these benefits in the future as they develop both ASPs and PSAs. Comprehensive guidance will help stakeholders through the process of developing both documents.

It is perfectly acceptable if there is a degree of disagreement over what constitutes an acceptable level of risk. It is important that where a risk is identified, that some level of mitigation is agreed between parties to bring the threat of a risk materialising down to a tolerable level. Where several parties are likely to benefit from a measure, we would expect those parties to assist in its delivery, either by contributing funding or by providing some resource.

Transparency will be essential to the development of mutual trust and understanding. This is important in a number of areas, notably around clarity of police activities and subsequent invoicing for police services. Moreover, service level agreements may be a useful tool for airport operators to ensure they are getting value for money from the policing of their airport, whilst providing airport police with a clear framework for their activities. We will be providing clear guidance as to what is expected and exactly what should be covered in a PSA.

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

Responses from both industry and police organisations expressed a number of concerns as to whether the proposed dispute resolution process would be workable. Responses raised questions about both the theory and the practice of the proposed process.

Some respondents were concerned that a dispute resolution process involving independent experts would not provide clear accountability for the decision made. To achieve the necessary clarity, the Secretary of State or another clearly identified individual should be the final arbiter. Others stated that the proposed process was "fundamentally flawed" and a more "sophisticated process was required" to resolve disputes.

In practice, there were concerns that the process was too bureaucratic, complex and costly, with difficulties regarding the availability of independent experts, their different levels of expertise resulting in inconsistent decisions, and the need for time limits. Some expressed concern as to the serious effect this process would have on smaller airports in the current economic climate. Airlines expressed concern that they would incur some of the costs of airport policing but would not easily be able to initiate a dispute.

Some respondents were of the view that a three stage process was needed: informal resolution; resolution by a formal body; and final arbitration in the form of the Secretary of State. This approach would result in a more workable resolution process.

There was some acknowledgement that the funding issue could be cause for disputes but many respondents expressed a willingness to work in partnership.

Government response

Having considered carefully the weight of opinion on dispute resolution, Ministers took the decision that they, rather than an independent expert panel, should be responsible for determining disputes over either ASPs or PSAs if this becomes necessary. However, before Ministers become involved in any dispute, informal resolution of agreement will normally be attempted to try and resolve disputes informally outwith the legislative process. We expect that many disputes could be resolved at this stage.

If necessary, we then intend to introduce a more formal stage whereby Ministers instruct disputing parties to take steps to try and resolve a dispute. This process would involve Government officials and expert or representative bodies, bringing disputing parties together to try and facilitate a resolution. We expect this process to be speedier and less costly than formal dispute resolution and to be an effective way to resolve most disputes.

Where the issues in dispute prove intractable at this second stage, the Secretary of State (for Transport) will consider the matter, taking evidence from the disputing parties before making a binding determination. In general, material and evidence produced at the informal dispute stage will be considered, and the Secretary of State might wish to seek independent expert advice on both security and legal matters.

Any dispute will naturally involve both financial and resource costs. How costs are awarded to each disputing party will be a matter for the Secretary of State. We are conscious of the need to deter reliance on the dispute resolution mechanism where, with the right level of commitment, disagreement could in fact be resolved locally.

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

Responses provided a range of assessments of why the framework would or would not work, which took into account numerous factors. Some responses stated that good working relationships already existed between the police and airport operator, while others suggested that there was the potential to develop mature relationships so the framework could be applied effectively. Some welcomed the greater transparency the new process would offer.

However, there were also respondents who felt that the new framework required a great deal of time and resource which would significantly increase operating costs, and inevitably lead to disagreements. Some responses felt the new framework could potentially damage relationships. A centrally charged levy was the preferred funding mechanism for some.

Although there was some support for the framework, there was general agreement that for the process to work there would need to be clarity on roles and responsibilities an adequate dispute resolution process shared intelligence an effective MATRA process and greater flexibility. Acceptance that smaller airports can deliver effective security measures without a dedicated police presence was also considered by some respondents to be important.

Individual points

1. The new framework could work if there is complete agreement on roles and responsibilities and the value that the measures linked to the roles and responsibilities bring (airline).
2. It is highly likely that disagreement will arise from the new process (representative organisation).
3. The new framework could work but the funding issue needs to be resolved to the satisfaction of all key stakeholders (police).
4. Airport/police negotiations need to reflect local circumstances (representative organisation).

Government response

It is encouraging to hear that there are already good relationships between airport operators and the police at many airports. We would also take the view that relationships more widely are strong between the various airport stakeholders. The new security planning process is designed to entrench these relationships to bring all relevant parties round the table to openly and frankly discuss how security can be enhanced in response to identified threats.

We note the concern that the process of negotiation and any potential disputes might damage relationships. Stakeholders appear to be most concerned about relationships at the practitioner level – those with day to day responsibility for delivering security on the ground. The distinction between membership of the RAGs and SEGs should help here. SEG members will typically be more senior and it is in this forum that any substantial disagreements will be aired. Moreover, MATRA groups, operating on a voluntary basis around the country, have been shown to develop positive and constructive relationships amongst stakeholders.

To make the new framework a success, stakeholders will need to commit time and resource. However, the legislation will not stipulate the frequency of meetings or the amount of time stakeholders should spend in the development of ASPs or PSAs. This will be a matter for local determination, based on the scale and complexity of the airport and the specific threats that exist. However, following a significant incident, we would expect the RAG to meet and it

may be that the ASP will need revision. But everyone would agree that this is effort well worth expending.

Some respondents indicated that a central charge to fund dedicated airport policing might be appropriate. The Government disagrees. We believe that a central levy is an inadequate model which would result in a lack of ownership of policing at airports. This model provides no incentive to discuss and justify decisions on the use of police. Moreover, levying a central charge to pay specifically for airport policing runs counter to the general government policy that taxation is not hypothecated – in other words, that expected revenue is not assigned to a particular service or policy.

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

There were a number of elements of the security planning process which were commonly identified as suitable for guidance material. Some of the more frequently mentioned subjects included the following:

- 1 Creating a consistent approach across the UK (airport, police)
- 2 The dispute resolution process and clear guidance on the implications for parties should they choose to go to dispute (large companies, representative organisation, police authority, airport, police);
- 3 The roles, responsibilities and accountabilities of various stakeholders. Some respondents suggested that roles and responsibilities should be mandated rather than described in guidance (police, representative organisation, airline, large company, airport)
- 4 Production of policing standards material and performance indicators (large company, airport)
- 5 Creating transparency in relation to police costs (airport, large company, representative organisation)
- 6 Scaling the airport security planning process to ensure that proportionate security requirements are placed on each airport (representative organisation, large company, airport)
- 7 Ensuring that decisions made in relation to security resourcing decisions are not subjective (representative organisation, large company)
- 8 Best practice for the development of Airport Security Plans and Police Services Agreements, with model documents (large company, representative organisation, airline)

Other areas mentioned by respondents as suitable for guidance included the following:

- 9 Penalties for non-compliance with obligation (police)
- 10 Retrospective payments (police)
- 11 Clear guidelines on the police activities which should be funded by airport operators and those which should not (police)
- 12 Details of a national strategy for general aviation; including specific assessment rules for small aircraft (representative organisation)
- 13 Reviews by Her Majesty's Inspectorate of Constabulary (large company)

14 Counter terrorism, mechanisms for securing the airport perimeter, accreditation, intervention, search codes search consistency, and obtaining evidence from flight crews (police)

Government response

A very wide range of suggestions were made as to which areas should be covered in national guidance. The Government will issue a comprehensive set of guidance in advance of introduction of the new provisions that not only covers the key elements of the new security planning process, but specifically covers:

- the dispute resolution process
- transparency in relation to police costs
- the application of the process as smaller airports
- retrospective payment of policing costs
- clear guidelines on policing activities exempt from the general funding requirement

Work is also ongoing to consider the development of airport policing standards that could be applied to those constabularies across the UK that have responsibility for policing airports in their jurisdiction.

Some respondents suggested that consistency in approach is necessary across the UK. The Government expects there to be some security measures which must, as a minimum, be carried out at all qualifying airports. These include, for example, conducting a multi-agency threat and risk assessment, and production of an Aerodrome Security Plan. However, the approach individual airports use to meet these requirements will vary considerably in accordance with local circumstances and as such we do not expect procedures at all airports across the UK to be identical. We expect security stakeholders to work flexibly to meet the requirements of the legislation to ensure that a proportionate security response is created at each qualifying airport.

It is also worth noting that the new airport security planning process will not replace the NASP, which will contain minimum security requirements. Guidance on NASP related matters such as searching will be issued, as usual, through this forum.

Impact Assessment

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

A range of responses were received in answer to this question, with an even balance of views as to whether the Impact Assessment was accurate in its assessment of the costs and benefits of the two options. In broad terms, 9 respondents felt that the Impact Assessment was inaccurate in its representation of costs, while 8 felt it to be accurate.

Individual points

1. The form of the Impact Assessment suggests that there is in fact no quantifiable difference between option 1 (extending designation to require all airports to pay for any dedicated policing costs) and option 2 (Strengthen airport security planning and require all airports to pay for any dedicated policing costs); meaning that no case was made for the benefits of option 2 (large company)

2. The cost of policing has been underestimated (airport)
3. It was right that the Impact Assessment should have estimated the cost of the additional administrative resource the process would require of participants, as concerns had been raised in relation to this issue (police)
4. The cost assessment constitutes a fair assessment on the basis of the available evidence (police authority)
5. The costing contained in the Impact Assessment appears accurate and both options would generate benefits for the taxpayer (police)
6. The potential impact of the proposals on smaller airports as identified in the Impact Assessment means that the proposals are unacceptable. Closure of smaller airports and a reduced number of new entrants to the UK airport network would have a significant impact on the wider economy. The Impact Assessment should have costed this (large company)
7. Smaller airports have fewer revenue streams, from such sources as retailers, catering outlets and car-parking businesses (airport)
8. If airports pass costs on to airlines, there is a risk of airlines being forced to close (airline)
9. The Impact Assessment ignores the enormous contribution made by airline passengers, their businesses and the aviation industry to Government funds - this contribution should be sufficient to pay for the cost of designated policing at airports (airline)
10. Airport operators should pay in respect of all policing activity conducted at an airport (police authority)

Government response

The nature of the impact assessment template is such that there is an emphasis on the quantifiable impacts of policy options. In the case of the two potential approaches to enhancing airport security set out in the impact assessment, it was not possible to quantify the additional benefits of the strengthened co-ordination, transparency and co-operation that we expect the new system to deliver. For example, we would expect the process of negotiating a Police Services Agreement at airports that are not currently designated under the Aviation Security Act 1982 to produce greater efficiency in the way in which airport security officials and the police provide security at an airport.

The figures for policing were supplied directly by those police forces providing dedicated airport policing so the Government has no reason to doubt their accuracy. Furthermore, we were not supplied with alternative figures to indicate that we were underestimating current or future policing costs. As to the estimation of resource costs arising from the new system, the consultation impact assessment does not attempt to quantify these since these costs would vary extremely widely from airport to airport. However, the revised impact assessment published alongside this document, provides an indicative view of the likely resource costs. The overall resources costs will depend significantly on the scale and complexity of the airport operation and the changing threat landscape.

The Government fully acknowledges the genuine concerns raised by respondents that the additional policing costs required by the new system, and to a lesser extent resource costs, will place additional financial pressures on airports. However, it is incumbent upon Government that we level the playing field so that all airports pay for policing costs where appropriate; and it is the Government's view that the user should pay for the policing required to protect passengers and staff, and deter crime. The term 'users' in this case embrace a wide range of stakeholders - effectively anyone who uses the airport including

airlines, passengers and retail organisations. The principle of the 'user pays' is consistent with the private sector funding of dedicated policing for the nuclear industry, and at football stadia and shopping centres for example.

The evidence provided by industry as part of the consultation process pointed to an impact on operating costs of about 8%. Government realises the seriousness of this for some airports. However, airports are free to pass costs through to customers, for example through airport charges. We expect this to happen and the Government has received no persuasive evidence that this will not be the case.

Finally, it is important to stress that not all policing activity will be funded by the airport operator (see response to question 25).

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?

There was a fairly even divide between those respondents who felt that the first round costs identified at pages 12-14 of the Impact Assessment correctly reflected the scale of costs and impacts of the proposals, and those that did not.

Principal areas of the Impact Assessment that respondents wished to challenge were as follows:

- 1 Some respondents emphasised that passenger numbers at an airport were simply one of many factors which might affect the levels of policing resource required (police)
- 2 Other respondents suggested that the extent of costs associated with policing was less important than the impact of costs on operating profits at airports, and that the measures could result in some airports becoming loss-making enterprises, which would result in closures (police authority)
- 3 Some respondents made the point that airports paying for policing would be at considerable disadvantage in comparison to European competitors (airline)
- 4 One respondent also suggested that it would be necessary to trial-run the provisions at a number of locations in order to gain an accurate estimate of costs (representative organisation)
- 5 Another respondent suggested that the costs provided in the first round cost assessments were clearly indicative and that it might be the case that some airports were presently under-resourced (police authority)
- 6 Another respondent suggested that requiring costs to be borne by industry would result in costs being passed on to the public which could lead to pressure to reduce the amount of revenue raised, leading to security cutbacks (police authority)

Government response

We fully accept that passenger numbers are not, and should not be, the primary driver of policing levels at airports. Changes to threat level are likely to have a greater impact on policing levels, certainly as these fluctuate in the short term. The Impact Assessment was clear on these points. However, the size and complexity of an airport operation, which is partly a consequence of passenger levels, will have a bearing on overall policing levels.

We are of course aware that some European States choose to fund airport policing from public funds. However, this places an additional burden on the taxpayer which we feel should rightly rest with airport operators in the UK. The approach taken with airports is consistent with that applied in relation to other industries where dedicated policing is required on private premises.

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

A range of factors were identified by respondents as having potential to impact upon future policing costs. Some of those more commonly identified included:

- 1 Changes to the national threat level (airport, representative organisation, police, large company)
- 2 Changes to the economic climate (police, representative organisation, airport)
- 3 Expansion at airports, including change to passenger levels (police, police authority)
- 4 Developments in security technology and airport design (representative organisation, police, police authority)
- 5 Changes to the perception of risk by security stakeholders (representative organisation, airport, large company)
- 6 Changes to legislation or Government policy (representative organisation, police)

Other factors raised by respondents included

- 1 Any introduction of a National Border Police Service (police)
- 2 Change in terrorist tactics (police)
- 3 Changes to airline routes (police)
- 4 The content of the National Aviation Security Programme (NASP) (police)
- 5 Actions or inaction by other security stakeholders (police)
- 6 Occurrence of specific 'one-off' events, such as the Olympics, or a specific accident or emergency event (representative organisation)
- 7 Government 3-year spending settlements (police)
- 8 Changes to patterns of criminality at airports (police authority)
- 9 World events resulting in border control issues (police authority)
- 10 Changes to police pay and police numbers (police)

Government response

The factors most commonly identified by respondents as likely to have an impact on the future cost of policing were, in the main, referenced in the original impact assessment. However, as was stated in that document, it is not possible to unpick the extent to which these factors will individually influence policing levels.

We agree that some of the other factors identified by respondents will have some influence over policing levels, although in many cases, this influence may be an indirect one. The wide range of potential influences which may contribute to a requirement for policing, and the

fact that a dedicated police presence may take many different forms, all suggest the importance of local determination rather than a centrally prescribed model. A centrally prescribed model would not, for example, be able to accommodate distinct local variances such as the range of duties carried out by local airport security officials and the use of different forms of airport security technology.

ANNEX A

List of those responding

Airports / Airport Groups

Belfast Airport

Bristol International Airport

Exeter International Airport

Highlands and Islands Airport

Luton Airport

Norwich International Airport

Liverpool John Lennon Airport

Cardiff Airport

Newquay Cornwall Airport

Gloucestershire Airport Ltd

Manchester Airport Group

London City Airport

Birmingham International Airport

Airlines

British Airways

Virgin Atlantic Airways

easyJet

Aviation Security Provider

G4S

Aviation – Other

Civil Aviation Authority

NATS

Representative Associations / Organisations

Airport Operators Association

BAR UK

British Business and General Aviation Association

International Air Transport Association

AICES

Association of Chief Police Officers

Association of Policing Authorities

Welsh Association of Chief Police Officers

Police / Police Authorities

Bedfordshire Police

Dorset Police

Greater Manchester Police Authority

Leicestershire Police Authority

Metropolitan Police Authority

National Coordinator Ports Policing

West Midlands Police Authority

Police Authorities Wales

South Wales Police

British Transport Police / BTP Association

National Government / Government Agencies

Serious and Organised Crime Agency

Welsh Assembly Government

Consumer / Passenger Bodies

Air Transport Users Council (AUC)

Aberdeen Airport Consultative Committee

Private Individuals

Chris Lowe

ANNEX B

AIRPORT SECURITY CONFERENCE:

Wednesday 12th November 2008

Conclusions from conference:

- The principle of a transparent, evidence based framework to strengthen airport security planning was broadly supported by delegates.
- In light of stakeholders' responses to the consultation, the Secretary of State would be the final arbiter of disputes. Delegates welcomed this important decision which reflected the strong support they had previously expressed.
- There were some widely held concerns around the principle of industry paying for dedicated policing costs and strong views regarding the practicalities of making the new process work at airports across the UK. In particular, the Airport Operators' Association now formally oppose implementation of the initiative, although it continues to engage in the consultation process.
- Legislative proposals to ensure that the management of airport security is undertaken in a structured way will continue to be developed for inclusion in the 2008-09 parliamentary session.
- The proposals will ensure that the new framework will also determine the role and funding of airport police more fairly, where airport operators pay for any dedicated police presence that they have agreed is required. This new process will replace the existing 'designation' system for airport policing arrangements.
- It will be for industry, police and other airport security stakeholders to implement the new process at airports, however, the DfT and Home Office will continue to work with industry and police stakeholders to provide the required advice and guidance for stakeholders at local level.

Speakers throughout the day:

Jim Fitzpatrick MP, Transport Minister, Niki Tompkinson (Transec), Stephen Smith (Home Office), Rob Siddall (AOA), Dave Whatton (Greater Manchester Police), Jonathan Bracken (Bircham Dyson Bell), Ellie Bird (British Transport Police).

The Minister's keynote speech is available to view at:

www.dft.gov.uk/press/speechesstatements/

Following the morning speeches and presentations delegates worked in groups focussing on how all parties can work together collaboratively, discussing the challenges of implementation and ways to meet these challenges. The groups considered three questions:

How can all parties work together collaboratively – tips, experiences and examples?

- Many delegates emphasised the value of building and maintaining honest and open relationships between stakeholders, with regular communication between parties.
- Sharing information and intelligence between stakeholders was seen as a clear advantage, although it was recognised that personnel security clearance levels for all MATRA and Security Executive Group (SEG) members may be an issue.
- Having an understanding and awareness of all threats and risks was considered key, including risks to other security stakeholders.
- MATRA was seen as a valuable mechanism in assessing risks, although its potential at some airports had not been fully realised and there was mixed views and experience regarding the efficiency of local MATRA groups.

What are the likely challenges in implementing the new system?

- There was some unease that the principle of industry paying for airport policing could negatively affect relationships between stakeholders and might not break any barriers of mistrust. There was also concern that contract commitments might delay the recovery of policing costs for airports.
- There was at least one question around how airports will ensure they get value for money for the policing services they receive.
- The sheer scalability and diversity of airports across the UK could pose some practical problems in implementing the new process, especially at smaller airports where the process could be overly bureaucratic.
- As a basis for the new framework, MATRA would need to have more meaningful discussions with the right representation - not just remain a 'talking shop'.
- There was some apprehension around the continuity in personnel and the practicalities of ensuring relevant people regularly attend the MATRA and SEG. Leaner teams in smaller airports could mean that MATRA and SEG members might be the same people—although this would not be an issue when they fulfil the required roles of each group.

How might these challenges be overcome?

- Respondents felt that ensuring that stakeholders have a clearer understanding of the roles and responsibilities of other security partners could be a key element in creating successful working partnerships.
- Provision of the Common Threat Assessment to MATRA and SEG members, supplemented with local intelligence, was seen as a positive step. Although at least one delegate was unsure as to how useful the present draft assessment would be to groups.
- It was also felt that airport policing performance measures or standards might help airports understand what value for money they are getting for dedicated policing.
- Respondents were keen that new framework should be flexible and be able to be tailored to individual airports' needs throughout the UK. It was highlighted that a one size fits all approach would not work.
- Numerous delegates expressed a desire for government support and representation from DfT and HO at local MATRAs.

Next Steps

The DfT and Home Office will continue to develop the necessary legislative proposals that will replace 'designation' and introduce the new framework for airport security planning. This has been the culmination of nearly two years collaborative work between industry, the police and government at national level driving forward a programme of workstreams.

In parallel to legislation, both departments will continue to develop supporting guidance for stakeholders, specifically on:

- the enhanced MATRA process and its tools;
- how to clarify roles and responsibilities of security stakeholders;
- the role of the Security Executive Group;
- developing airport security plans (ASPs) and police service agreements (PSAs).

Work will also continue on exploring the development of airport policing standards.

Enquiries about any aspect of the conference or the work following from it should be directed to airportpolicing@dft.gsi.gov.uk