

Agenda Item:	Reference: HACC.537
Date August 22 2008	
Air Transport Users Council Annual Report 2007-2008	

Report by the Technical Adviser

1. The Air Transport Users Council (AUC) is represented on this Consultative Council; the main remit for the AUC is to look after air passenger interests, generally with airlines, not on airport related matters which are generally dealt with by Airport Consultative Committees. In London, this follows discussions between the Chairmen of the two organisations some years ago about the boundaries of respective interests.
2. The Council's Annual Report records that it handled 11,077 complaints and enquiries compared to 12,046 the year before. In addition, there were over 160,000 hits on the advice pages of it's website.
3. The largest number of complaints received were about cancellations of flights (1892) with delays to flights next in number (875) and mishandled baggage accounting for 624. These all indicated small reductions on the comparable categories for the previous year.
4. In contrast to these reductions, complaints about compensation for Denied Boarding under Regulation 261/2004 of the European Union, increased as the qualifications for receiving such compensation were broadened by the European Commission and given wider publicity. The AUC is the designated body in the UK to handle complaints under this Regulation.
5. The AUC records it's dissatisfaction with the procedures which deal with the question of where passenger complaints should be handled. In the UK, the Civil Aviation Authority, which has been working with the AUC, is the designated enforcement body for the Regulation and these two bodies have been working with the National Enforcement Bodies (NEBs) of the other EU Member States and with the European Commission, on exploring options for a common approach to matters such as complaints handling and interpretations of the Regulation.
6. The NEBs of the other Member States and the Commission argue that the handling of complaints should be done by the NEB of the Member State where the flight disruption occurred. The AUC has been arguing that complaints should be dealt with by the NEB of the passengers' home Member State. However, the outcome of the discussions was that passenger complaints should be dealt with where the disruption took place.
7. The AUC records it's concern at this outcome as it fears that difficulties arising from the referral of complaints to other NEBs appear to be well founded. All of the passengers whose complaints AUC had referred to other NEBs were contacted to find out how many had received a reply; disappointingly, the majority of complainants who replied had not received a response from the NEB concerned. A number of other complainants contacted AUC themselves to express their dissatisfaction with the way that an NEB had handles their complaint.
8. BY and large, it does seem from this report that complaints from passengers are being directed to the most appropriate body, that about airlines to the AUC and about Heathrow Airport to this Consultative Committee .when they are dealt with in

conjunction with BAA. Members will be aware from the reports and Minutes of our Passenger Services Sub-Committee of increases in the number of complaints received from passengers, the majority complaining of the treatment they receive at the hands of BAA's Security staff.

9. Amongst other matters in the report is a comment that AUC had responded to the Department's consultation on Heathrow Airport development by concentrating only on issues where it was felt that there was generic air passenger interest; it had therefore responded by re-iterating that it supported introduction of mixed mode operations at the airport as soon as possible , together with other measures that would increase the airport's capacity, until such a time as a third runway was built.

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Report by the Technical Adviser

Agenda Item:	Reference: HACC.538
Date August 24 2008	
Draft Code of Practice on Customs examination of baggage in the absence of the passenger	

1. HM Revenue and Customs officers, working as a part of the UK Border Agency, examine baggage at ports and airports to ensure that the right taxes are paid and to prevent the smuggling of drugs, firearms, offensive weapons and other prohibited and restricted goods.
2. In the majority of cases, passengers baggage is presented by the passenger at the officer's request using powers contained in Section 78 of the Customs and Excise Management Act 1979 and examined in the owner's presence.
3. This draft code of practice, addressed to the HACC, deals with the occasions on which officers may have to open bags in the absence of the owner using powers contained in Section 159. This includes bags which are abandoned or unclaimed, bags in transit and, when targeting very high risk flights, to identify smugglers before they collect their bags.
4. A copy of the Draft Code is annexed to this report for the information and consideration of Members. The provisions of the Code appear to be a reasonable way of dealing with the problem but Members are invited to raise any matters about which they are concerned relative to this consultation for incorporation in the Committee's response.

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Agenda Item:	Reference: HACC.539
Date : August 25 2008	
NATS TCN Consultation – report of first analysis of responses	

Report by the Technical Adviser

1. The Committee debated this proposal for widespread changes to aircraft flight paths over a very wide area of Southern and Eastern England which NATS calculates could affect some 12 million people. The majority of the changes which are being proposed do not affect the areas around Heathrow which would normally be considered as being within the purview of the HACC. A copy of the HACC response is attached at Annexure A for the convenience of Members.

2. NATS has sent out a standard letter to those who responded to their consultation and a copy of this is attached at Annexure B to this report. In this acknowledgment, NATS gives an assurance that all comments received will be passed to the Civil Aviation Authority when NATS seeks approval to implement changes, and then emphasises that the consultation period is closed and that NATS will not respond to further questions.

3. Alongside the acknowledgment which was sent out, is a report of the initial analysis of all responses received; this has been published and can be seen on NATS website at [www.nats.co.uk/TCN](http://www.nats.co.uk/TCN) consultation.

4. The analysis has grouped together the responses received under the headings of:

- Representative Groups – response themes
- Members of the public – response themes

5. It is not possible from this report to identify any of the individuals or groups who responded nor what they said in any detail. However, a main point raised by the HACC is addressed by NATS in Section 9 where it says that it is exploring further options for Easterly departures from Heathrow “ which can provide a degree of dispersal around the first turn after take off, and which can more closely replicate the current initial turns.” There is no mention in this report of complaints about sections of the community not having been adequately consulted.

6. A copy of this Section is attached at Annexure C to this report.

7. NATS has introduced a comment on how accurately aircraft can fly on the PR-NAV routes the subject of the consultation, apparently in answer to queries which were raised by respondents. It says that most modern aircraft will remain within 100 metres of a published straight route and within 500 metres in a large turn when following PR-NAV routes. However, air traffic control may instruct aircraft off the route and, therefore, the route and flight path maps in the consultation document should be viewed to determine where aircraft may be seen.

8. NATS is at pains to record the extent of the consultation which it has undertaken:
- \* 461,815 leaflets targeted to outline aspects of the proposals most relevant in each area
  - \* 154,127 visits made to the website
  - \* 1,405,268 pages viewed
  - \* 319,468 document sections downloaded

In what is described as a major media campaign, there were :

- \* 113 broadcast items on national and regional TV and radio
- \* 29 national print articles, and
- \* 230 regional print articles

Agenda Item:	Reference: HACC.540
Date August 27 2008	
DEFRA Annual Review of Controls on Imports of Animal Products. April 2007 to March 2008	

Report by the Technical Adviser

1. In the early years of this century, there was considerable concern about the lax controls then being exercised at entry points into the United Kingdom, the ports and airports, on the imports( permitted or illegal) of animal products, dairy products and honey, in particular bushmeat (such as gorilla or elephant flesh together with other endangered species) and items of rather more exotic origin, such as bats, favoured by some of the immigrant communities.
2. This concern manifested itself in complaints to the Secretary of State that the controls at the entry points needed to be substantially tightened and that to be more effective there needed to be made available "sin bins" into which incoming passengers could voluntarily surrender prohibited goods, and also that a number of dog detector teams should be introduced. The HACC was much involved in discussions with the National Farmers Union and with the Secretary of State in the campaign to achieve this.
3. Since that time, controls have been strengthened, the customs and other border controls agencies have been merged together to form the UK Border Agency, the number of dog teams at Heathrow have been significantly increased and annual reviews are issued publicising what is being done in this field, particularly as "filler items" on domestic television. Airlines are showing videos explaining which imports are prohibited on flights landing in the UK from other countries outside of the European Union. Target audiences for the campaign are Black African (predominantly from Ghana and Nigeria) Bangladeshi, Black Caribbean, Chinese, Middle Eastern, Indian, Pakistani and Turkish.
4. The recommendation that "sin bins" be provided has not been implemented.
5. The Annual Review for 2007/2008 has now been published and this report summarises the contents.
6. In the year in question, there were 24,956 seizures of illegally imported animal products. The prescribed controls are intended to safeguard wildlife and to control the import of products which have the potential to bring disease and pests that can have devastating effects on farming. Some products may also contain residues or contaminants that harm human health.
7. Although many of the illegal import are seized from passengers and their baggage, by Her Majesty's Revenue and Customs, there are also substantial quantities hidden in otherwise legal consignments of food and other goods. Inspection of air freight goods if the responsibility of the Public Health inspectors of the London Borough of Hillingdon.
8. In 2007/8, DEFRA conducted 37 Preliminary Outbreak Assessments , tests which may lead to a conclusion that a full Qualitative Risk Assessment is required, to deal with outbreaks of diseases such as African Horse Sickness, Africans Swine Fever, Bluetongue,

Classical Swine Fever, Foot and Mouth Disease, H5N1 Highly Pathogenic Avian Influenza, Lumpy Skin Disease, Peste des Petits Ruminants, Rabies and Swine Vesicular Disease.

International co-operation and information exchange – In November 2008, the EU will be arranging European Veterinary Week involving all EU Member States, under the overarching theme of biosecurity at farm level and at the borders. The agreed aims for initiatives connected with biosecurity at the borders are to:

- reduce the amount of illegal food brought into the EU by travellers arriving from countries outside the EU
- increase awareness of the rules that are in place to restrict personal food imports, and
- encourage people to change their behaviour so that they do not bring in illegal food imports

9. Members will recall that they had a presentation from Mr Philip Astle, Director of the UK Border Agency at Heathrow at the meeting of the Committee on July 16 2008 when he spoke about some of these matters.

mgh/540



Agenda Item:	Reference: HACC.541
Date : September 4 2008	
Airport Policing, Funding and Security Planning	

Report by the Technical Adviser

### BACKGROUND

1. Responses are invited on Government proposals , which will be included in the Transport Security Bill, currently in Parliament, to make airport security planning and the funding and activities of the police at airports, more transparent and strategic in nature. The proposals will apply to all sixty three airports in the UK that are currently subject to the National Aviation Security Programme (NASP) and associated Directions under the Aviation Security Act 1982.
2. The Committee is, of course, briefed periodically by the Metropolitan Police unit responsible for policing and for elements of security at Heathrow. This is done under the terms of an Agreement with BAA which pays several tens of million pounds annually to meet the costs.
3. An independent review of UK airport policing, undertaken in 2006, made a number of recommendations which are now embodied in these proposals.
4. Legislation relating to policing airports provides details of powers they may exercise but not the specific duties police should fulfil at airports which means that their precise functions have been left for each Force to determine. There are certain duties such as armed patrolling or stop and search which only the police can undertake and, similarly, the UK Border Agency carries out certain duties that only it can undertake. 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. The Department will be providing guidance on how to proceed to avoid these problems recurring.
5. The Executive Summary of the consultation document is annexed to this report.

### THE CONSULTATION

6. The document records in graphic detail the widespread nature of the terrorist threat which faces those charged with managing security at Britain's airports, a threat which is ever evolving as Members will be aware from the restrictions which have had to be introduced at Heathrow over the past year or two and from the details of the trial of seven suspects, accused of preparations to place bombs on aircraft, at Woolwich Crown Court only this week.
6. The consultation poses thirty three questions some of which are extremely technical and complex and others which relate to matters not really the concern of the HACC. In the light of this, this report only deals with the several questions to which the Committee can properly respond.
7. The outcomes which are sought from this consultation 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
- a consistent funding regime for airport policing that abolishes the current system and requires all airports to meet any agreed policing costs

**QUESTION – DO THESE OBJECTIVES REFLECT YOUR UNDERSTANDING OF WHAT IS NEEDED ?**

8. Government **intends to introduce a series of measures, via primary legislation, to deliver these outcomes. The legislative provisions will;**

- **mandate a documented threat and risk assessment process based upon that already in place at most UK airports**
- **ensure that a senior-level executive group (potentially at managing director or Chief Constable level) take collective responsibility for effective threat mitigation and security planning**
- **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**
- **thereby introduce a transparent process by which the need for any dedicated police presence at airports is determined by the airport operator and police force. Where necessary, a process for funding police activities will then be captured in a Police Services Agreement**
- \* **establish a robust dispute resolution process where stakeholders cannot agree on the terms of either the Airport Security Plan or the Police Service Agreement**

9. A whole group of the questions relate to the current process of multi-agency assessment of risks to UK airports which is known as Multi-Agency Threat and Risk Assessment (MATRA); around forty airports currently have voluntary MATRA groups and Consultative Committees are represented on some of them. MATRA groups typically comprise;

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

To my knowledge, the question of whether HACC should be represented on the Heathrow MATRA has never been raised.

**QUESTION – DO YOU THINK THIS REFLECTS THE APPROPRIATE MEMBERSHIP FOR A RISK ASSESSMENT GROUP ?**

10. Some members of the Committee are involved with these questions in their day to day work on the airport and will have a more detailed knowledge of some of the problems which do arise in policing and security matters than outsiders. They are invited to put their views forward, if necessary in confidence, to the Secretariat for incorporation on a non-attributable basis in the Committee's response.



Agenda Item:	Reference: HACC.542
Date September 8 2008	
Code of Practice – Access to Air Travel for Disabled Persons and Persons with Reduced Mobility	

Report by the Technical Adviser

1. Members will recall that they have been kept in touch with the development of improved access to air travel for the disabled and those with reduced mobility by report and by presentations from BAA staff. This has been derived from legislation which the European Union has been developing and which has had to be introduced into UK law to apply the requirements of the EU regulation accompanied by a Code of Practice.
2. The Regulation is wide-ranging and says that “ a disabled person” or “person with reduced mobility” means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor , permanent or temporary) intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers. (article 2(a) of Regulation No. 1107/2006).
3. As a result of this new UK legislation, BAA and other airport operators have had to take responsibility for assisting these categories of air passengers – from the point at which they arrive at the airport until they are seated in an aircraft and similarly on return flights.
4. The Code of Practice sets out in detail, all 116 pages of it, to cover the whole journey experience from accessing information at the booking stage through to arriving at the final destination. It is aimed at all those involved in providing services related to air travel, including travel agents, tour operators, UK airlines (scheduled carriers – both full service and no-frills – charter carriers) aircraft designers, UK airports, uk ground handling companies and retailers.
5. Government says that it expects the air travel industry to adopt the recommendations in the Code wherever possible and unless there are practical reasons which make it unreasonable to do so.
6. The Code is intended to help those who are affected by the new legislation and the associated UK Disability Discrimination Act, to meet their legal obligations. **However, the Code does not have a formal legal status nor is it an authoritative statement of the Law – this is a matter for the courts.**
7. **BAA Heathrow has accepted the responsibility it has been given for looking after disabled passengers and, as provided for in the Regulation, appointed agents to handle all aspects of the matters for it since June 2008.**
8. **A spokeswoman for BAA will be briefing members of the PSSC about this at the meeting of the Sub-Committee at it's meeting on the morning of 24 September which will give an opportunity for the members to ask questions about these arrangements and to report about them to main body of the HACC in the afternoon.**



Agenda Item: 7	Reference: HACC.543
Date September 12 2008	
BAA Airports Market Investigation – Provisional Findings report	

1. The Committee considered the first report from the Competition Commission , “Emerging Thinking” , at its meeting on May 28 2008. A copy of the response sent to the Commission is annexed to this report , at its meeting on May 28 2008. A copy of the response sent to the Commission is annexed to this report as an aide memoire for Members. At that time the main focus of the views expressed was to contemplate that BAA should dispose of one of the London airports.

2. The Commission has now issued the penultimate report on this investigation “Provisional Findings”; in it the Commission says that it has taken account of the responses it has received and that it has acquired further relevant data through its own resources.

3. The widespread publicity given to the issue of the latest report has suggested that the Commission will require BAA to dispose of not one but two London airports so that all three would be in separate ownerships.

4. A requirement by a governmental agency, such as the Commission, that a private owner should be forced to dispose of a significant proportion of its assets is not a matter to be undertaken lightly, particularly when it will have such widespread effects on much of the structure of the UK's air transport industry as this would.

5. The justification for contemplating such action is in the sacred name of “introducing competition” for the benefit of consumers –but not all competition is beneficial for consumers and the possible adverse consequences are not mentioned by the Commission. The main thesis of my earlier report, reflected in the response to the Commission, refers to this and to the fact that the London airport problem is one of capacity, not of competition and divestiture of airports by BAA will not solve that problem.

6. Indeed, the Commission itself, in para.21 of the Summary to its report (which is annexed to this) acknowledges doubts about the achievement of competition between the London airports if separately owned:-

“ We have provisionally found that, given the current shortage of capacity, competition in the short-term between the London airports , were they separately owned, is unlikely, at least in the near future, to be as intense or effective as competition between regional airports at least for some airlines, but nevertheless there is scope for competition at the margin between them despite capacity constraints, for example between Stansted and Gatwick in off-peak periods, particularly if the existing passenger limit at Stansted is raised “

7. BAA is accused (para.22) of contributing to the current shortage of capacity as a result of common ownership of the three London airports. Elsewhere, the report refers to the problems which the planning controls have played in development of airport capacity but the comments recorded continue to display a lack of understanding of the complexity which has characterised applications by BAA for airport development over the past 30 years and more.

8. In my earlier report I drew attention to what appeared to be a lack of understanding of how the air transport industry works with little expertise apparent in this field amongst the Panel considering this question.

9. I see no reason to recommend the Committee to change the basis of the response from HACC of 30 May 2008 (annexed to his report) except to update it by reference to this latest "Provisional Findings" report and consultation.

10. BAA is understood to be publishing its rebuttal of the Commission's proposals on 17 September and a copy of that will be supplied to Members for consideration together with this document.

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