

Airport Security

Report by the Rt Hon Sir John Wheeler JP DL, 2002

On 30 October the Government published the introduction, findings and recommendations of the independent report on airport security prepared by Rt Hon Sir John Wheeler JP DL.

Sir John was appointed in May 2002 by the Secretary of State for Transport and the Home Secretary, to undertake a review with the following terms of reference –

- To review the present arrangements for security, including the threat from serious and organised crime, at airports within the United Kingdom, with particular reference to the role of the Police Service;
- To consider how security requirements, in particular in the light of the new terrorist threat since 11 September, can best be delivered;
- Having taken account of the views of the organisations concerned, including commercial interests, to make recommendations regarding future organisation and structure, including the need for any legislative change.

Sir John submitted his report on 13 September. The Government has accepted in principle all of the report's recommendations, and work on their implementation is being taken forward jointly by this department and the Home Office, in concert with others in government, and the aviation industry.

The body of the report contains material of an operational security nature which it would be inappropriate to publish. Reproduced below are the introduction, findings and recommendations from the report.

INTRODUCTION

by The Right Honourable Sir John Wheeler

1.1 I have undertaken this review in an independent capacity, but want to thank the Home Secretary for providing accommodation for my small team and both Secretaries of State for seconding officials from their Departments to support me in the review. This report was presented jointly to the Rt Hon David Blunkett MP and the Rt Hon Alistair Darling MP on 13 September 2002.

1.2 I am also grateful to the many individuals and organisations who have responded to my review by sending in formal written submissions, for helping me understand some of the background and current procedures involved in aviation security and policing at airports, and for making my visits to airports and meetings such interesting and stimulating occasions. Further detail of the consultation and evidence-gathering process is at Annex A to this report.

1.3 The Department for Transport (DfT) is at the heart of the arrangements for aviation security. The Secretary of State for Transport is directly accountable to Parliament, as well as being under international obligations. The Department is the "appropriate authority" under the guiding international legislation, responsible for setting, monitoring and enforcing the National Aviation Security Programme (NASP), with which airport operators and airlines in the United Kingdom are required to comply. The programme of aviation security operates under tight definitions, in which the primary objective of aviation security is:

*"... to safeguard passengers, crew, ground personnel and the general public against acts of unlawful interference perpetrated in flight or within the confines of an airport. Aviation security also seeks to protect aircraft and facilities serving civil aviation, such as fuel, catering, air navigation facilities and the premises of listed air cargo agents, against acts of unlawful interference."*¹

1.4 The Home Secretary has lead responsibility within Government for counter-terrorist policy. The Home Office is also the focal point for co-ordinating the central government response to a specific terrorist incident within the United Kingdom. Should therefore a terrorist incident take place at an airport, the Home Secretary has a very direct role to play. The Home Office is also the Department that oversees the work of the police service in England and Wales.

1.5 There is obviously a need for close co-ordination between the two Departments, the airport operators and airlines, and the border agencies, and I have put those arrangements under some scrutiny. Primarily, however, I have concentrated on the role of police at airports. This is partly because the police act in a supporting role to the NASP, but also because of concern expressed over the arrangements for preventing not only "acts of unlawful

*interference*², on which that programme is based, but also because of the police service's wider responsibility for more general policing, and in particular its responsibilities for preventing serious and organised criminals exploiting the opportunities for crime that arise at airports.

1.6 I am grateful to BAA plc for the diagram below, which demonstrates some of the overlapping responsibilities that need to be considered:



Key:
 Yellow - DfT
 Green - Control Authorities
 Blue - Airport Operator

² The International Civil Aviation Organisation (ICAO) definition of such acts is:

- "(a) violence against a person on board an aircraft in flight if that act is likely to endanger the safety of the aircraft;
- (b) destroying an aircraft in service or causing damage to such an aircraft which is likely to endanger its safety in flight;
- (c) placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or cause damage to it which renders it incapable of flight, or cause damage to it which is likely to endanger its safety in flight;
- (d) destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (e) communicating information which is false, thereby endangering the safety of an aircraft in flight; and
- (f) unlawfully and intentionally using any device, substance or weapon to:
 - (i) perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;
 - (ii) destroy or seriously damage the facilities of an airport serving civil aviation or aircraft not in service located thereon or disrupting the services of the airport;

if any such act endangers or is likely to endanger safety at that airport."

1.7 Clarity of definition and clear lines of accountability are obviously important to implementation of the DfT's responsibilities for aviation security. However the full picture also needs to include, in my view, the question of whether there is also a threat to airport security, and possibly also to aviation security, from criminals whose activities may add to the vulnerability of airports. That means that I will, during the course of this report, stray from the accepted definition of "aviation security" in its technical sense, and refer more widely to "airport security". I have tried to make clear when I am doing so. This may appear a pedantic point, but it is central to understanding how present structures work.

1.8 I was commissioned to undertake this review six months after the attacks of 11 September against the World Trade Centre in New York and the Pentagon in Washington. The primary focus of my review is on the role of the police at airports in the United Kingdom, but it inevitably my work has been overshadowed by the change in the nature of the threat to aviation security that those attacks represented. Their very public horror is still fresh.

1.9 The Department for Transport responded to the attacks in the US with heightened measures at airports. Action since 11 September has included:

- random searching of hold baggage for flights to the USA prior to, or immediately after, check-in;
- more searching by hand of passengers and their cabin baggage upon entry to the restricted zone³, and a regime of secondary searching at the departure gate for flights to the US and Canada and in terminals where arriving and departing passengers are not physically segregated;
- an expanded list of articles which, as potential weapons, cannot be taken into the restricted zone or the aircraft cabin;
- screening or searching of goods for retail upon entry to the restricted zone;
- guards within the restricted zone for aircraft departing to the USA or Canada;
- additional mobile patrols within the restricted zone; and
- tighter rules on the transportation of cargo, especially when going to the US and Canada.

1.10 The Home Secretary has introduced new legislation⁴ which gives an examining officer (police, customs or immigration officer) powers to make a written request to an air or sea carrier asking them to provide specified information about passengers, crew, vehicles owned by passengers and crew and freight/goods carried by the aircraft or ship. Following the terrorist attacks on 11 September the Home Secretary secured additional funding for the police service to provide a wide range of enhanced counter terrorist measures in response to the increased threat from international terrorism. Some £42m

³ See Annex E for a simple schematic locating the key areas of an airport.

⁴ Paragraph 17 of Schedule 7 to the Terrorism Act (as amended by the Anti-Terrorism, Crime and Security Act 2001). Schedule 7 to the Terrorism Act 2000 (Information) Order 2002 setting out a list of information requirements relating to passengers and goods came into force on 22 August 2002. The Home Secretary has given an undertaking that no systematic attempt to exercise the power will be made until further consultation has taken place.

was provided to the Metropolitan Police Service to increase its counter terrorist capability. A further £12m was allocated to other forces in England and Wales for the provision of other counter terrorism services. A significant proportion of this funding was to provide enhanced airport security at a number of airport and aircraft maintenance facilities in England and Wales.

1.11 There has also been considerable activity on the international front, where UK representation has been led by the Department for Transport. It is worth reflecting on the fact that the UK's standards of aviation security are such, compared to many other countries, that initiatives under the auspices of the International Civil Aviation Organisation and the European Union have not been the drivers of the Department for Transport's response, largely because the United Kingdom already complies with, or exceeds, the international baselines on security. As is usual in the United Kingdom, the cost of implementation of additional Government measures has been met by the airline industry. Many of the airport operators have employed additional security staff, and incurred considerable additional expenditure.

1.12 In learning about aviation security, I have been struck how often mention is made of the aviation security measures brought in after the disaster at Lockerbie in 1988. The failures in aviation security that allowed Lockerbie to happen led to a programme of new procedures to address these and other areas where the national aviation security programme needed strengthening. The security programme has been thoroughly reviewed on a number of occasions since the disaster, including scrutiny of security measures by the Fatal Accident Inquiry and the Transport Select Committee. The Department for Transport has redressed the policy loophole on reconciliation of hold baggage and passengers that allowed an undetected and unaccompanied bag to be transferred to Pan Am flight 103, and has played a leading role in the promotion of the 1989 Eight-Point Plan by the International Civil Aviation Organisation. These measures are equally relevant today. It is not in my remit to report on the detailed events, or cause, of any individual disaster, no matter how devastating in its impact, but I feel that it is important to acknowledge that I have been very aware of the tragic backdrop to any consideration of aviation security in 2002.

1.13 I have made recommendations for a systematic overhaul of the arrangements that govern policing at airports in the United Kingdom. I should emphasise that this is not because I believe them to be wholly inadequate. I do, however, believe that the process of overhaul will make for better use of existing resources, through locally agreed multi-agency threat and risk assessments, and will sharpen strategies to maintain airport security. I have seen examples of excellent and effective co-operation at airports where all those concerned with security in its widest sense have a good sense of how they all fit into the picture, and who each feel part of a team, with their own particular role to play. I have also seen working arrangements where co-operation is less close, and learned of instances where it has frankly been poor. My recommendations are designed to spread good practice as widely as possible, and to set in train a thorough, and far-reaching plan that will ensure that this happens.

1.14 This is a complicated area of regulation, where there are strong commercial interests and pressures. An increasing number of people work at airports and travel through or visit them. The number of those who use airports to travel for pleasure and/or business reasons is set, in every projection, to continue to rise. It is, of necessity, also an area in which it is right that there should be constraints on the amount of detail of arrangements for security at airports that is publicly available, and I have taken this into consideration in writing this report. I have also, however, tried to explain the current arrangements in as accessible a way as possible.

1.15 For ease of reference, I have brigaded together my findings and recommendations at the beginning of the report.

The Right Honourable Sir John Wheeler JP DL
13 September 2002

SUMMARY OF FINDINGS

On serious and organised crime at airports

2.7 The material collected by the review does not provide a sufficiently reliable evidence base to conclude that aviation security across the United Kingdom is seriously threatened by levels of serious and organised crime being perpetrated in an airport, either landside or airside. However there is little room for comfort, or complacency, over the attractiveness of a major airport for serious criminals.

2.8 Data for levels of recorded crime at airports, as currently collected, do not provide a reliable statistical base for comparative work, or for benchmarking successful local crime prevention strategies.

On strategic direction and co-ordination

3.26 The review has not been persuaded that existing formal structures for dealing with aviation security are inadequate. It believes that the Government response to the attacks of 11 September was properly co-ordinated through Cabinet Office structures, and that it was correct that concentration should have been on counter-terrorism.

3.27 There is, however, legitimate confusion over where the Governmental focus for co-ordination and strategic direction lies, outside the Department for

Transport. The Department is clear that its responsibilities do not include consideration of the threat at airports from serious and organised crime.

3.28 The National Aviation Security Committee's supporting committee structure was reported to work well, but it was noticeable that there is no standing committee on policing issues, nor one covering all the control authorities (Special Branch, immigration, customs and uniformed police officers).

3.29 Airport Security Committees were clearly regarded as a valuable briefing forum, not least in providing the structural link into the DfT via NASC, but the most effective committees were those where the local security manager had used his or her initiative, and met more frequently, or supplemented the ASC with more frequent, and smaller, meetings of the control authorities. It was reported to the review that some airport security committees did not appear to have met as regularly as required.

3.30 The Home Office is heavily focussed on counter-terrorist ports policing issues. It is less obvious that other Home Office policy interests are being fed into policy development.

3.31 It appears to the review team that the Airport Commanders' Group has carried out an extremely important role in pulling together guidance and good practice. It is however heavily dependent on the energy and goodwill of its members, and appears to have been filling a strategic gap in direction and co-ordination within the police service. There is no equivalent to the NCPP for uniformed police, and the role does not appear to have been filled entirely successfully by the present ACPO arrangements.

3.32 Although national co-ordination between the border agencies has improved, there is clearly room for better co-ordination between the agencies on the ground, and for the Border Agencies Working Group structures to contribute to discussions on airport security. It was put to the review on more than one occasion that one of the most frustrating aspects of dealing with the border agencies is the absence of any reliable mechanism for sharing funding on projects.

On the role of the uniformed police at airports

4.18 It is widely held within the airport security community that greater clarity is needed around the role of the uniformed police, at both designated and non-designated airports.

4.19 Statements of Service Provision have not guaranteed the co-operative working which ought to characterise policing at the UK's major airports. The agreements which have been reached typically reflect hard and lengthy bargaining, have not produced a consensus on a defined role at airports for uniformed police, and have not been arrived at in the context of an assessment of the overall demand for police services.

4.20 At non-designated airports, without any requirement for the operator and police to come together to agree policing levels, there is still less agreement on a defined role for uniformed police.

4.21 Although a common response to 11 September by the uniformed police at non-designated airports was not discerned, there was frequent mention of the importance of the police as a visible presence, in reassuring the public.

4.22 The Statements of Service Provision focus on counter-terrorist work, with variations in the degree to which they also address non-terrorist crime at airports.

On designation

5.36 There is some feeling within the aviation industry that the cost of uniformed policing to counter terrorism at airports should be met centrally. Others consider that the designation system requires them to pay again for uniformed policing which they are already funding through the business rate.

5.37 The present distinction between designated and non-designated airports lacks credibility. It reflects decisions taken a long time ago, on an ad hoc basis, and its fundamentals have not since been revisited. It is seen by the industry as lacking transparency and accountability, and by the police as importing commercial considerations into their operational decision-making.

5.38 There is an appetite both within the industry and on the part of the police, and recognised by the Department for Transport, for the designation arrangements to catch up with the development of the UK airport and airline sectors since they were first introduced.

5.39 Although greater clarity around the generic role of uniformed police at airports is seen by some as a necessary precursor to the development of more rational arrangements for designation, the review sees that clarity being developed instead through the generation of local, multi-agency threat and risk assessments at an individual airport level, and of a strategic, agreed response.

On powers at airports

6.10 There were a number of requests that there should be clarity over the powers to search staff (and visitors) leaving airside via staff exits, either on the airside/landside barrier within the airport building, or through perimeter exits, whether on foot or in a vehicle. The primary purpose of such a power would be to prevent theft from the airport.

6.11 There is an apparent lack of clarity over the powers of the police to search on exit from the cargo area at Heathrow.

On Special Branch

7.11 Although Special Branch have a defined and specialist role at airports, there is room for improvement in their relationships with their uniformed police colleagues and with other agencies operating at airports.

7.12 There is no fully national system of funding. The DSP mechanism and ACPO Advisory Group funding operates only in England and Wales.

On CCTV and Automatic Number Plate Recognition; and some emerging technologies

8.10 Although there are some excellent examples of shared CCTV systems, used by the agencies for different purposes, CCTV coverage at airports is still uneven.

8.11 Older installations, in particular, have been set up in an unco-ordinated way, without proper regard for shared use, retention of data or agreed user specifications. This has been exacerbated by the lack of any shared funding arrangements between the border agencies.

8.12 Some of the newer CCTV installations are very impressive, and provide a useful contribution to airport security in the widest sense.

8.13 There is considerable potential in the use of ANPR at airports.

On staff employed at airports: vulnerabilities

9.7 There is still no agreed resolution to the long-running debate over whether control authorities' staff should be subject to search on entry to the restricted zone. All three services are actively engaged in discussion of a new searching regime, although they have concerns over the impact such searching could have on their operational effectiveness.

9.8 There is general agreement that the absence of such a search requirement could make staff vulnerable to intimidation, coercion or bribery. Within the wider airport community there is also a firm view that the exemption sends the wrong signal to airport staff, all of whom are subject to search on entry to the restricted zone at airports.

9.9 The review has found little evidence to suggest that corruption among security staff employed at airports in the United Kingdom, either for terrorist or serious criminal purposes, is widespread. It has only been presented with isolated examples. However, there has not been a systematic investigation of information and intelligence, and this is clearly an issue of importance, given the potential for existing aviation security measures to be undermined.

SUMMARY OF RECOMMENDATIONS

On serious and organised crime at airports

1 The review believes that multi-agency analytical work on the level of the threat of serious and organised crime to airport security is required. The Home Office should lead this work, in consultation with, and the support of, the Security Service, NCIS, the National Crime Squad, the Immigration Service, HMCE and ACPO, and with the involvement of the aviation industry as a committed participant.

2 While acknowledging the weakness in the evidence base on the scale of the threat, and on links between known terrorist organisations and non-terrorist criminals, the review team is persuaded that this is worthy of further investigation.

On strategic direction and co-ordination

3 The review recommends that the DfT should review the terms of reference and composition of the National Aviation Security Committee and supporting Airport Security Committees, and re-establish a standing sub-committee to lead on issues relating to the control authorities at airports.

4 The review recommends that the Home Office identify a single lead within the Department to cover issues relating to ports policing, and that it go wider than Special Branch activity at airports. The Home Office should chair the new NASC sub-committee relating to control authorities at airports.

5 The Home Office, Cabinet Office and DfT should satisfy themselves, in agreeing the terms of reference of this new sub-committee, that there is no unnecessary overlap with the newly established Ports Policing Strategy Group.

6 The Border Agencies Directors' Group should consider whether it could provide joined-up representation for the border agencies at a point of senior interface with the DfT, for example on a NASC (where its involvement could allow some slimming of what is a large Committee).

7 Once the outcome of the study recommended in the previous section is known, the review recommends that further consideration be given to whether additional organisational changes are necessary, particularly in relation to the intelligence flow supporting the National Aviation Security Programme and to Ministerial direction across the Home Office, Department for Transport and the Treasury.

8 The Ministerial Committee on Protective and Preventative Security should receive regular reports on progress in implementing any agreed recommendations.

On Designation

9 It is well past time that the designation of airports for policing purposes was placed on a more rational basis. Consistent with the overall approach to UK aviation security, a new process of designation should be developed and implemented. Designation should be founded on agreed local multi-agency risk assessments, and the development of local Airport Security Plans. A fresh set of criteria should also be developed.

10 The Department for Transport should reactivate its review of designation, and consult on a move to a system based on local multi-agency assessments, as described in this section. Where these indicate a necessity for the airport to be policed by uniformed constables, the Secretary of State should consider designating it (or confirming its designation) under the Aviation Security Act 1982.

11 The new arrangements could be piloted at two or three airports of contrasting size and risk profile.

12 Ministers should consider casting the new arrangements in statute, once Parliamentary time permits.

On powers at airports

13 The powers available to police officers at airports under the Aviation Security Act 1982 should be simplified. It is not clear why they should be limited to designated airports only, and it seems sensible that there should be one set of powers that applies airside. This will require primary legislation, and the DfT should consider whether this could be added to the handout Bill planned for the next Parliamentary session.

14 The police and the airport operator should include agreement on exit searches as part of their joint response to crime prevention at airports.

15 The DfT should take an early view on whether a Direction is required at Heathrow to clarify powers of search on exit from the cargo area.

On Special Branch

16 The National Co-ordinator of Ports Policing should consider, as part of the ACPO review of the co-ordination of uniformed policing activity at airports, how closer working with Special Branch officers could be arranged.

17 It is clearly important that, even if the systems are not the same, there should be equivalent systems of funding in England, Wales, Scotland and Northern Ireland that enable a similar response to be made, in providing a policing response to changed judgements about the terrorist threat to airports. This is already under consideration by the Scottish Executive.

On CCTV and Automatic Number Plate Recognition; and some emerging technologies

18 The review commends the DfT's survey of CCTV installation at airports. If effective coherent planning for CCTV is to take place, all partners in the schemes must fully embrace the concept of joined-up working. Dissemination of good practice should take place on the back of the current DfT survey.

19 A similar approach, with an agreed multi-agency user requirement, should be applied to the installation and use of ANPR.

20 For the installation of future systems, the Border Agencies Working Group should address the question of shared funding from the border agencies.

21 The theme of this report is the importance of co-ordination and working together. It is difficult to underestimate the importance of strategic co-ordination between the control authorities and the industry in developing new approaches to reasoned selection and advanced use of automated data capture.

On staff employed at airports: vulnerabilities

22 A new searching regime should be agreed as soon as possible. While respecting concerns over operational effectiveness, the review is not persuaded that the arguments put forward by HMCE and the Immigration Service are sufficiently strong to hold up early agreement for searching of their staff. Different provisions may need to be made for the police service.

23 The review commends the ongoing work to improve regulation of private security companies working at airports. In the longer-term, driving up of standards by this means will be a far more effective security measure than basic criminal record checks. Although final decisions will obviously need to be taken in the light of the consultation on the draft criteria, the review considers that the DfT should include criteria that would reward those security companies with a properly developed integrity strategy for their staff.