

DMPC Decision – PCD 1681

Title: Delegated authority to extend, renegotiate to award and to sign new Police Service Agreements (PSA's) for Heathrow Airport Limited (HAL) and London City Airport (LCY) in 2025.

Executive Summary:

- This paper seeks approval for delegated authority to extend the existing PSA's for one year to 31st March 2026, authority to renegotiate and sign new PSA's between the Metropolitan Police Service (MPS), HAL and LCY from 1st April 2025.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

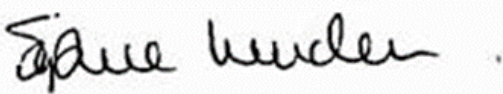
1. Authorise the Director of Commercial Services to approve the extension of both PSA's for one year to 31st March 2026 to mitigate potential risks due to the scope of changes required to the PSA's.
2. Authorise the Head of Commercial Services to negotiate new PSA's with HAL and LCY Airports prior to the expiry of the current ones on the 31st March 2025.
3. Authorise the Director of Commercial Services to sign the new PSA's after the completion of the negotiation process, subject to approval by MPS governance.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date 18/07/2024

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background.

- 1.1. The MPS provides policing services to HAL and LCY under two distinct PSA's with the respective Airport Operators.
- 1.2. In 2009, the Department for Transport (DfT) published the Airport Security Planning Guide (ASPG), which provides key guidelines for Police Forces and Airport Operators to draft the PSAs. The DfT is currently reviewing the guidance key terms to include new and updated terms to address changes that have materialised since 2009 as was scheduled to publish the guidance by the end of February 2024.
- 1.3. The current PSAs with HAL and LCY commenced on 1 April 2019 and are due to expire on 31 March 2025. Both Agreements have been extended by 12 twelve months previously.

2. Issues for consideration.

- 2.1. The requirement for PSAs is regulated by the Aviation Security Act 1982, Section 25b, establishing that "(1) There must be a police services agreement in force in relation to a relevant aerodrome at any time when an aerodrome security plan containing policing measures is in force in relation to the aerodrome."
- 2.2. HAL and LCY security plans contain policing measures, and therefore the MPS has responsibility over the airports and is required by law to provide adequate Policing Services to guarantee the safety and security of the users of the Airports.
- 2.3. MPS commercial services are working on detailed renegotiation with both PSA's which may include revised terms, cost models and scope services whilst the current PSA's expire and new Guidance is published by the DfT.
- 2.4. The estimated required time for the negotiations is a minimum of six (6) months for the new PSA's to be agreed with operators. However, the uncertainty over the ASPG's scope of changes and its official release date creates a risk for the renegotiation of new PSAs, because the negotiations may take longer than 6 months.
- 2.5. There is a risk if non- compliance under the Aviation Security Act 1982 by the MPS and the two operators if the two PSA's are not extended or renewed by 31st March 2025

3. Financial Comments.

- 3.1. The budget is reviewed annually to ensure it reflects current costs and forecasts as agreed with MPS and the Operators. For 2024/25, the budget allocations are to be £44.2m for HAL and £5.7m for LCY.
- 3.2. Both PSAs are built on a total cost recovery model. The Airport Operators fully fund all the costs incurred by the MPS to deliver the services, including (but not limited to) wages, pensions, accommodation, fleet, IT, uniforms and equipment

4. Legal Comments.

- 4.1. Section 25B (1) of the Aviation Security Act 1982 (ASA) requires there must be a police services agreement in force in relation to a relevant aerodrome at any time when an aerodrome security plan containing policing measures is in force in relation to the aerodrome. Section 25D provides the relevant persons to a police services agreement may vary it.
- 4.2. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve the provision of policing services to external bodies where the contract value is £500,000 or above.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve requests for unforeseen variations to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.
- 4.4. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve the procurement strategy for all revenue and capital contracts of a total value of £500,000 or above.
- 4.5. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime has delegated authority to approve the award of MOPAC contracts with a total value of £500,000 or above.

5. Commercial issues.

- 5.1. The MPS assure that if the potential new Extension, the original Main Terms and Conditions are not modified over the lifetime of each Agreement, there will be some minor changes applied to reflect updates in each Agreement's schedules and the Renewal Terms and Conditions will be renegotiated based on the new ASPG released by DfT later in 2024.

6. Equality Comments.

- 6.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2. The MPS assure that the business case underwent a full Equalities Impact Assessment (EIA) which identified no negative impact to any individual safeguarded by a protected characteristic and to those who are not negating the requirement to document mitigation. Further reviews will be conducted and if any new Equality impact is identified, a full EIA will be implemented.

7. GDPR and Data Privacy

- 7.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully to safeguard the rights and freedoms of individuals.
- 7.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 7.3. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 7.4. The MPS is a party of a Data Sharing Agreement (DSA) with Heathrow Airport, regulating the data shared between the two parties for the delivery of the Services. A similar DSA is being developed with London City Airport. Whilst DSAs are advised to be in place by the information Commissioners Office, they are not a legal requirement.

8. Background/supporting papers.

- 8.1. MPS Paper – Delegated Authority to renew and renegotiate PSAs in 2025.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision, it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – Yes.

ORIGINATING OFFICER DECLARATION

*Tick to confirm
statement (✓)*

Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report. 	✓
Drafting Officers Stephen Kalyango have drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.



Signature

Date 10/07/2024