

REQUEST FOR DMPC DECISION – PCD 200

Title: Renewal of Police Services Agreements for Heathrow Airport Ltd and London City Airport

Executive Summary:

This paper seeks approval for a five year Police Services Agreement (PSA) with Heathrow Airport Ltd (HAL) and a five year PSA with London City Airport Ltd (LCY). Both agreements expired on 31 March 2016 but have been extended pending a new agreement.

Recommendation:

The DMPC is asked to

1. Approve a five year Police Services Agreement with Heathrow Airport Ltd covering the continue provision of police services at Heathrow Airport.
2. Approve a five year Police Services Agreement with London City Airport Ltd covering the continued provision of police services at London City Airport.
3. Agree the paper does not go back to Investment Advisory Board for further consideration, prior to signature by the DMPC, unless there are significant and material changes to the final Police Services Agreement with Heathrow Airport Limited and London City Airport Limited.

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 *Edna Henden*

Date *23/5/17*

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

Decision required – supporting report

1. Introduction and background

- 1.1. The MPS provides police services to both Heathrow and London City Airports under a Police Services Agreement (PSA) with the airport operators. The framework for airport security planning is set out in the Aviation Security Act 1982 (as amended by the Policing and Crime Act 2009) and involves a bottom up risk based approach owned by a Risk Assessment Group.
- 1.2. This group makes recommendations to a wider group of airport stakeholders who form the Executive Security Group, whose primary function is to draw up and maintain an Airport Security Plan (ASP). This ASP will describe the security measures in place at the airport and will detail the agency responsible for the delivery of each measure and the arrangements in place for monitoring delivery.
- 1.3. The PSA provides details of the following: terms and conditions, sets of schedules covering contract data, police services including the number of police and police staff posts, performance indicators, accommodation, vehicles, charges and a cost estimate.

2. Issues for consideration

- 2.1. It is a statutory requirement that every airport has an ASP and as a result of the ASP any airport requiring a police presence must have a PSA.

3. Financial Comments

- 3.1. An estimated budget for the cost of policing the airport is agreed with each airport operator at the commencement of their respective financial years (1st January for HAL and 1st April for LCY). The MPS monitors the expenditure against this budget and adjusts the forecast throughout the financial year and the airport operator pays a monthly standing order based on the original estimate. At the end of the financial year the final outturn is agreed and an adjustment is made based on the amount paid by the airport operator against the final outturn.

4. Legal Comments

- 4.1 Under Section 24 AE (1) of the Airport Security Act 1982 an airport is required to have an Airport Security Plan (APS) which specifies the security measures to be taken at an airport, the persons responsible for their delivery and the arrangements for monitoring of those measures.
- 4.2 A PSA is the final stage of the security planning process for those airports where it has been agreed that some of the security measures in the ASP should be carried out by the local police force. A PSA is an agreement between the airport operator, the local police force and the police authority, which specifies how much the airport operator will reimburse the police force for the relevant measures set out in the ASP.
- 4.3 Paragraph 4.8 of the Scheme of Consent and Delegation provides for the Deputy Mayor for Policing and Crime to approve the provision of policing services to external bodies where the contract value is £500,000 or above.
- 4.4 Both PSAs will be published under the Elected Local Policing Bodies (Specified Information) Order 2011.

5. Equality Comments

- 5.1. Both the current and revised PSA for both airports contain an Anti-Discrimination clause that covers the Human Rights Act 1998 and the Equality Act 2010 and acknowledges MOPAC's duty under both acts and requires the airport operator to take all reasonable steps to assist and co-operate with MOPAC to satisfy this duty.

6. Background/supporting papers

- 6.1. Report.

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPAC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Part 1 Deferral:

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

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 rational for non-publication.

Is there a **part 2** form – Yes

If yes, for what reason: EXEMPT under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011.

ORIGINATING OFFICER DECLARATION:

Head of Unit: The Chief Financial Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Financial Advice: The Chief Financial Officer has been consulted on this proposal.	✓
Equalities Advice: No Equality and Diversity issues identified.	✓

OFFICER APPROVAL**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

R. Lawrence

Date

18/5/17

**RENEWAL OF POLICE SERVICES AGREEMENTS WITH HEATHROW AIRPORT LIMITED
AND LONDON CITY AIRPORT LIMITED**

**Report by Assistant Commissioner, Specialist Operations and Director of Commercial
and Finance on behalf of the Commissioner**

EXECUTIVE SUMMARY

The Metropolitan Police Service (MPS) provides police services to both Heathrow and London City Airports under a Police Services Agreement with the airport operators, Heathrow Airport Limited (HAL) and London City Airport Limited (LCY). Both agreements expired on 31 March 2016 but have been extended pending a new agreement.

It is a statutory requirement that every airport has an Airport Security Plan (ASP) and as a result of the ASP any airport requiring a police presence must have a Police Services Agreement (PSA). A revised PSA for both airports has been drafted by external lawyers on behalf of the Directorate of Legal Services and sent to both operators for comments and the details are still in negotiation.

As per paragraph 4.8 of the MOPAC Scheme of Consent and Delegation, this report seeks the approval of the Deputy Mayor for Policing Crime for the MPS to enter into a new five year PSA with HAL and LCY.

A. RECOMMENDATIONS - That

- 1. The Deputy Mayor for Policing and Crime approves a five year Police Services Agreement with Heathrow Airport Limited covering the continued provision of police services at Heathrow Airport.**
- 2. The Deputy Mayor for Policing and Crime approves a five year Police Services Agreement with London City Airport Limited covering the continued provision of police services at London City Airport.**
- 3. This report does not go back to Investment Advisory Board for further consideration, prior to signature by MOPAC's Chief Executive, unless there are significant and material changes to the final Police Services Agreement with Heathrow Airport Limited and London City Airport Limited.**

B. SUPPORTING INFORMATION

- 1. The framework for airport security planning is set out in the Aviation Security Act 1982 (as amended by the Policing and Crime Act 2009) and involves a bottom up risk based approach owned by a Risk Assessment Group. This group makes recommendations to a wider group of airport stakeholders who form the Security Executive Group, whose primary function is to draw up and maintain an Airport Security Plan (ASP). The ASP will describe the security measures in place at the airport and will detail the agency responsible for the delivery of each measure and the arrangements in place for monitoring delivery. A Police**

Services Agreement (PSA) is the final stage of the security planning process for those airports where it has been agreed that some security measures in the ASP should be carried out by the local police force.

2. The PSA includes detailed terms and conditions and a set of schedules covering contract data, police services including number of police and police staff posts, performance indicators, accommodation, vehicles, charges and a cost estimate.
3. The Police Authority (now Mayor's Office of Policing and Crime, MOPAC) and the MPS have had a PSA with Heathrow Airport Limited (HAL) since 2007 and London City Airport Limited (LCY) since 2011 to recover the costs of providing police services to the airports. Both agreements were drafted by external lawyers on behalf of the Directorate of Legal Services and were signed by representatives of the airport operator, the Metropolitan Police Authority and the MPS.
4. The original PSA with HAL expired on 31 March 2016 but was extended until 31 March 2017 and has been extended again until 31 March 2018 pending a new PSA being agreed and signed by all parties. The PSA with LCY expired on 31 March 2016 and it was agreed that the MPS would continue to supply police services to LCY under the terms and conditions outlined in the expired PSA until a new PSA was agreed and signed by both parties.
5. Updated and revised versions of the current PSAs for both airports have now been prepared by one of the Directorate of Legal Services (DLS) external law firms with assistance from DLS. The main changes from the previous PSA are the addition of clauses covering Insurance and Bribery and Prevention of Corruption and a new Schedule covering Data Protection as a result of a significant rewrite of this clause to take account of the General Data Protection Regulation, which comes into force on 25 May 2018. Also the previous clauses covering the selection and deployment of the deployed personnel at the airport, the reduction and transfer of the deployed personnel (including the impact of the Transfer of Undertaking (Protection of Employment) Regulations and responsibility for employment costs) and Liability have become separate schedules within the agreement.
6. Members will be aware of the Government's Infrastructure Policing Review, which was under consideration by the Prime Minister and which included airports policing for the eight largest airports in England and Wales. The Government recently concluded that there is insufficient legislative opportunity to merge infrastructure police forces (including airports policing) and directed forces instead to identify collaborative opportunities and a plan for closer working. Whilst Heathrow and London City Airports are still under consideration within the Infrastructure Policing Review, it is recognised that the Review's impact on the policing of these and other airports is likely to be limited. Airports Policing in these discussions is being represented by the NPCC lead, Commander Security in the MPS. Any significant proposals or outcomes will be reported back to Management Board but no impact is currently anticipated in relation to the PSA at either airport.

C. OTHER ORGANISATIONAL & COMMUNITY IMPLICATIONS

Equality and Diversity Impact

1. Both the current and revised PSA for both airports contain an Anti-Discrimination clause that covers the Human Rights Act 1998 and the Equality Act 2010, acknowledges MOPAC's

duty under both acts and requires the airport operator to take all reasonable steps to assist and co-operate with MOPAC to satisfy this duty.

Financial Implications

1. An estimated budget for the cost of policing the airport is agreed with each airport operator at the commencement of their respective financial year (1st January for HAL and 1st April for LCY). The MPS monitors expenditure against this budget and adjusts the forecast throughout the financial year and the airport operator pays a monthly standing order based on the original budget estimate. At the end of the financial year the final outturn is agreed and an adjustment is made based on the amount paid by the airport operator against the final outturn.

Legal Implications

1. This report seeks MOPAC's approval for the MPS to continue to supply police services to Heathrow and London City Airport under a new five year PSA.
2. Under Section 24 AE(1) of the Airport Security Act 1982 an airport is required to have an Airport Security Plan (ASP) which specifies the security measures to be taken at the airport, the persons responsible for their delivery and the arrangements for monitoring of those measures. A PSA is the final stage of the security planning process for those airports where it has been agreed that some of the security measures in the ASP should be carried out by the local police force. A PSA is an agreement between the airport operator, the local police force and the police authority, which specifies how much the airport operator will reimburse the police force for the relevant measures set out in the ASP.
3. Para 4.8 of the MOPAC Scheme of Consent and Delegation provides the DMPC with delegated power to approve the provision of policing services to external bodies where the contract value is £500,000 or above.

4. Both agreements will be published under the Elected Local Policing Bodies (Specified Information) Order 2011.

Consultation undertaken

1. Initial discussions have taken place with both airport operators regarding a new PSA and they have indicated that they are keen to agree a new PSA to replace the existing extended agreements. An initial draft of a revised PSA has been sent to both operators for comment.

Report author: David Jones, Senior Commercial Manager, Third Party Contracts Team

Background papers: None

