

## **CAA Response to Home Office Call for Evidence on Airside alcohol licensing at international airports in England and Wales**

### 1. Introduction

1.1 The CAA welcomes the opportunity to respond to the Call for Evidence in January 2019 that considers airside alcohol licensing at international airports in England and Wales

1.2 The CAA is a public corporation, established by Parliament in 1972 as an independent specialist aviation regulator. Most aviation regulation and policy is harmonised across the world to ensure consistent levels of safety and consumer protection. Worldwide safety regulations are set by the International Civil Aviation Organisation and within Europe by the European Aviation Safety Agency. We regulate all UK airlines to ensure they comply with relevant international safety standards, including European Regulations that legislate a number of safety requirements.

1.3 Our work includes ensuring that:

- the aviation industry meets the highest safety standards,
- consumers have choice, value for money, are protected and treated fairly when they fly,
- the aviation industry manages security risks effectively.

1.4 The CAA also ensures effective UK implementation of the European Regulation 376/2014 concerning the reporting, analysis and follow up of occurrences in civil aviation and supporting to deliver a European Just Culture. An occurrence means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person. The purpose of occurrence reporting is to improve aviation safety by ensuring that relevant safety information relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed. It is not to attribute blame or liability.

1.5 Disruptive passenger behaviour is one of the main reasons for aircraft diversions. Disruptive behaviour in-flight or on the ground can affect aircraft safety and the safety of passengers. Airlines have a right to refuse to carry passengers that they consider to be a potential risk to the safety of the aircraft, its crew or its passengers.

1.6 This document presents the CAA's response to the Call for Evidence consultation, submitted on 31 January 2019. It provides a summary of the questions posed in the call for evidence document (for reference purposes) and the CAA's response.

## 2. CAA Response to Call for Evidence Questions

### Question 1

To what extent, if any, have drunk and disruptive airline passengers become more of a problem in recent years?

As noted in the call for evidence, the CAA data on disruptive incidents has solely originated from the Mandatory Occurrences Reports (MOR) since 2010. The complete data set for 2018 will not be available until early February 2019. MOR capture safety-related events occurring specifically to departing and arriving UK registered aircraft only. We are able to provide aggregate figures across all flights and all airports and have examined the narrative of each of these reports to determine a breakdown of the disruptive passenger incidents where alcohol was considered to be a factor. We would caution that just because the report makes no reference to alcohol does not mean necessarily that the disruptive passenger event was not due to the result of alcohol; it may be that the reporter does not include the cause of the disruptive passenger event for instance.

Date	Number of Disruptive Passenger Reports	% involving Alcohol
2013	98	19%
2014	145	27%
2015	195	18%
2016	415	34%
2017	417	31%
2018 (Up to 27th Nov)	348	34%

We would also confirm, as stated in the call for evidence text, paragraph 26, that the significant change in numbers of disruptive passenger reports between 2015 and 2016 was due to the implementation of EU Regulation 376/2014, on the reporting, analysis and follow-up of occurrences in civil aviation. This regulation changed the reporting criteria for operators to report MOR and resulted in a step change in the numbers of reports received.

### Question 2

Are all airports, airlines and routes in England and Wales similarly affected by the problem of drunk and disruptive passengers? If not, which airports and airlines are affected more than others and why?

The MOR scheme is a confidential reporting system to allow flight crew and others to report safety occurrences and therefore we are unable to breakdown the figures given in response to question 1 any further; however, from an overview of the MOR statistics alone, there appears to be variations in the number of reports received between operators and the routes that they fly.

Operators can have very different reporting rates due to internal processes. In assessing individual airports or airline operators, it is important to note that this variance can affect the perceived incident rate. Individual route analysis per operator can result in small numbers of statistics, which may show significant fluctuations from one year to another.

That said, the numbers of alcohol related disruptive passenger MORs on flights out of the UK is disproportionately higher than flights arriving to the UK. For example, there are approximately 30-35% of UK operator flights from the UK to abroad, but these flights account for roughly 60% of the alcohol related disruptive passenger events.

### Question 3

Is there a common definition used by airports and airlines to define drunk and disruptive passenger incidents? If so, how do airports and airlines ensure these incidents are classified, recorded and/or reported in a consistent manner?

The requirement for reporting to the MOR scheme (stipulated in EC Reg No 2015/1018) is “Difficulty in controlling intoxicated, violent or unruly passengers.”

The CAA is not aware of a commonly agreed definition of disruptive passenger incidents agreed between airport and airline operators. However, a number of airline operators use the IATA categories of unruly behaviour, which is split into four levels:

Level 1: includes verbal aggression or failure to comply with crew instructions;

Level 2 includes physical aggression or lewdness against fellow passengers or crew and damage to the cabin

Level 3 includes threats to life, and presenting of weapons onboard; and

Level 4 which includes a breach of the flight deck (intended or unintended), an act of sabotage or a credible threat of seizing the aircraft.

### Question 4

To what extent, if any, do premises that sell/supply alcohol airside contribute to the problem of drunk and disruptive passengers?

The CAA has no specific evidence or data to support an answer to this question.

### Question 5

What other factors, if any, contribute to the problem of drunk and disruptive passengers (e.g. “preloading” landside, in-flight alcohol sales, flight delays, affordability etc.)?

The CAA has no specific evidence or data to support an answer to this question.

### Question 6

To what extent, if any, do drunk and disruptive passengers pose a safety risk?

The CAA has a concern about any situation that diverts the flight crew and cabin crew away from their safety duties on board the aircraft. We have reviewed a number of safety reports where drunk and disruptive passengers have physically assaulted each other, fellow passengers and cabin crew in-flight. Also passengers failing to comply with crew instructions, particularly around taking seats for landing, poses a risk to themselves and

fellow passengers during a more demanding phase of flight with the potential for significant (and rapid) changes in aircraft orientation and acceleration.

#### Question 7

What is the perception and experience of passengers and cabin crew, regarding the problem of drunk and disruptive behaviour at airports and/or in-flight?

The CAA receives a number of harrowing letters of complaint each year regarding, in particular, the experience of passengers with drunk and disruptive behaviour in-flight. The common theme among them is how a small minority of thoughtless individuals can leave a much wider collection of fellow passengers distraught and upset, which can impact subsequent attitudes towards travelling by air.

#### Question 8

What are the financial, economic, administrative and other impacts of alcohol related incidents at airports and on aircraft?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 9

How effective is the use of relevant powers in the Air Navigation Order 2016 as well as any other appropriate statutory powers in tackling the problem of drunk and disruptive passengers at international airports in England and Wales?

Comparing the numbers of safety-related MOR data involving alcohol with the number of prosecutions for the offence “enter aircraft when drunk/be drunk in aircraft” or “drunkenness in aircraft” suggests that potentially not all events reported to us involving alcohol result in a prosecution. There may be multiple valid reasons why there is a variance, however we are concerned that there may be a perception that once airside, laws around drinking responsibly and public behaviour responsibilities no longer apply. We continue to strongly advocate more effort is made to refuse boarding a drunk passenger and successfully prosecute anyone who is drunk and acts disorderly on board an aircraft and to make such cases more widely publicised. We believe this would have the effect of deterring others and making the issue more socially unacceptable.

#### Question 10

What are other statutory or legally binding instruments (e.g. lease agreements) and/or voluntary arrangements (e.g. the Code of Practice on Drunk and Disruptive Passengers) that currently govern the sale and supply of alcohol airside and on a plane?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 11

How effective is the use of existing statutory and any other instruments, including industry partnerships, in promoting responsible alcohol sales and tackling the problem of drunk and disruptive passengers at international airports in England and Wales?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 12

To what extent is training provided to, and competence assessed of, airport and airline staff on the responsible sale of alcohol, managing drunk and disruptive passengers, and exercising their statutory or other powers?

To work as a Cabin Crew in commercial air transport within a Member State of the European Community, the individual must hold a valid Cabin Crew Attestation (CCA). This is a certificate of professional competency which allows the person to discharge the duties of Cabin Crew on European Community registered aircraft. As part of the qualification for a CCA, the individual must have successfully completed the required initial training course and the associated examination in accordance with EASA Aircrew Regulation Part-Cabin Crew, EC Regulation No. 290/2012.

EASA Aircrew Regulation, Annex V (Part-CC), CC.TRA.220, requires that each cabin crew member completes an initial training course and undergoes an examination to demonstrate knowledge and proficiency.

The cabin crew attestation can be issued by the competent authority or an organisation approved to do so by the competent authority. For the UK, the competent authority is the CAA. The CAA maintains a list of companies who have been approved to provide initial training and issue the CCA for that training in the UK. The syllabus for the training includes passenger handling, including identifying potential disruptive passengers, security training, conflict management, self-defence and restraint training.

The CAA has published CAP 783, Cabin Crew - Initial Safety Training: Instructions and Procedures for the Approval of Training Organisations.

The CAA does not have a remit to, nor provides, oversight of aerodrome operations inside the terminal building, such as the training and competence of airport retail and ground handling agents, including check-in and gate boarding staff.

#### Question 13

To what extent have consistent airport and airline operators' communications been provided to the public to assist in the prevention of drunk and disruptive behaviour prior to and during passengers' journey?

There have been a number of previous communications initiatives undertaken that have provided information to the public aimed at preventing drunk and disruptive incidents on board aircraft. Some of these have been initiated by the CAA, others have been more targeted to an individual airport or airline operator. We are aware of a number of efforts to put in place a coordinated industry-wide campaigns that have unfortunately been delayed due to the difficulties in reaching a cross industry cooperation and agreement.

#### Question 14

What other non-legislative measures, including technological and data-sharing solutions, have already been introduced effectively by airports and/or airlines outside the UK to tackle the problem of drunk and disruptive passengers?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 15

What, if anything, prevents airlines, airports, airside businesses and other relevant entities to jointly introduce further and stricter measures to tackle the problem of drunk and disruptive passengers at international airports in England and Wales (*e.g. banning the sale of "miniatures" in airside shops, limiting the availability of alcohol to passengers at certain hours, data sharing on drunk and disruptive passengers, replicating best practice schemes etc.*)?

This question is not directed towards the CAA.

#### Question 16

How effective is the cooperation between industry and airport police in tackling the problem of drunk and disorderly passengers at airports and/or on planes? *Please provide evidence.*

This question is not directed towards the CAA.

#### Question 17

What would be the strengths and limitations of the Act, if applied airside at international airports in England and Wales, in addressing the problem of drunk and disruptive airline passengers?

We believe it would provide a standardised basis on which pubs and bars would operate irrespective of whether they are airside or landside. The Act already allows for such establishments to be open 24 hours per day 7 days per week, if required, which addresses the underlying reason for the exemption originally. Such premises would also need to comply with the Mandatory Code for the sale of alcohol.

We do not expect this measure to completely eradicate the issue of drunk and disruptive passengers on board aircraft; however it encourages the same training and ethos towards the responsible sale of alcohol consumed within airport pubs and bars as with other UK licenced premises.

#### Question 18

Please provide any examples of where licensing laws have been applied at international airports in or outside the UK, and please provide any evidence of their impact if available?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 19

What would be the economic advantages and disadvantages of applying the Act airside for international airports and its users in England and Wales?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 20

What financial impact would application of the Act airside have on local government and police resource?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 21

What impact, if any, will application of the current licensing fees and charges to airside at international airports in England and Wales have on airside business that sell and/or supply alcohol, including the availability of alcohol at airports?

The CAA has no specific evidence or data to support an answer to this question.

#### Question 22

What financial impact would upholding the current exemption have on your organisation, airports and/or its users (e.g. airlines, passengers)?

This question is not directed towards the CAA.

[We note that Question 23 appears to have been deleted from the published call for evidence]

#### Question 24

Would it be feasible and practical to apply and administer the Act in its current form airside at international airports in England and Wales?

We do not foresee any regulatory impediments to allowing local authority licencing officers to access airside areas at airports. There are several methods by which airports may facilitate this:

- Airports may issue a full airside pass to any person it deems to have an operational or legitimate reason to enter an airside area.
- Airports may also issue a temporary airside pass (for those individuals who do not require frequent access to airside): this requires escort by a full airside pass holder.
- Persons with a statutory right of entry are deemed as Compliance Authority Personnel (e.g. Public Health England and Trading Standards Officers) in the same way as a Police Officer have access to airside by means of their warrant card.

At this stage we are not clear whether local authority licencing officers have the appropriate statutory rights to be included in the Compliance Authority Personnel but is something we can explore further if necessary.

#### Question 25

Are there any other issues in relation to drunk and disorderly airline passengers and the Select Committee's recommendation with regard to international airports in England and Wales that you wish to provide further evidence on?

We have no further evidence to provide.