

**CIVIL AVIATION AUTHORITY**  
**MINUTES OF THE 524<sup>th</sup> BOARD MEETING HELD ON**  
**WEDNESDAY 21 NOVEMBER 2018, CRANFIELD UNIVERSITY**

**Present:**

Dame Deirdre Hutton Chair  
Mr Richard Moriarty  
Mr David Gray  
Mr David King  
AVM Gerry Mayhew  
Mr Michael Medicott  
Mr Graham Ward  
Mr Paul Smith  
Mr Mark Swan  
Mr Chris Tingle

**Apologies:**

Ms Kate Staples Secretary & General Counsel

**In Attendance:**

Mr Peter Drissell  
Mr Tim Johnson  
Mr Richard Stephenson  
Mr David Stoplar                      for Kate Staples  
Ms Angela Lynch                      minute taker  
Dr Rebecca Roberts-Hughes for item V

**I. APOLOGIES AND INTRODUCTIONS**

1. There were apologies from Ms Staples, with Mr Stoplar welcomed as her representative.

**II. CONFLICTS OF INTEREST, PREVIOUS MINUTES, AND MATTERS ARISING**

2. Mr Smith, Mr Tingle and Mr Medicott in their capacity as Air Travel Trust (ATT) trustees, declared a potential new conflict of interest relating to the ATT's interest in Monarch Engineering Ltd on the demise of Monarch Airlines.
3. The minutes of the last meeting were agreed subject to minor typographical corrections and a word change.
4. There were no matters arising.

### **III. CHAIR'S UPDATE**

5. The Chair gave an update on recent meetings and events. She confirmed the recruitment process was continuing for the CAA's new Non-Executive Directors.
6. The Chair informed members of her latest meeting with Permanent Secretary Bernadette Kelly and Lucy Chadwick from the Department for Transport (DfT).
7. It was noted that Board members held a meeting with representatives from the CAA's Community Discussion Forum (CDF) earlier in the month. It was a productive discussion to be repeated on an annual basis.

**Action: Secretariat**

8. The Board praised Mr Stephenson and his team for their communications work, which had resulted in recognition in the form of several shortlisted and award-winning campaigns. This included winning the National Transport award with the DfT for Transport Team/Partnership of the Year. Members noted that the Performance and Development Conversation (PDC) project was one of the campaigns that had been shortlisted for awards. The Chair commended the team for their work, noting that it consisted entirely of internal staff members who had worked on the PDC project in addition to carrying out their official duties.
9. The Chair gave an overview of the latest meeting of the Safety Regulators' Chairs Group where the focus had been around the role of governance Boards in safety discussions. Mr Swan provided input to the group on the CAA's approach, including the types of information reviewed by the Board and the Safety Assurance reports presented on a six-monthly basis.
10. The Chair informed members of the Government's decision to form the Tri-Branch Management Board (TMB) to enhance coordination amongst the Air Accidents Investigation Branch, Marine Accident Investigation Branch and Rail Accident Investigation Branch. The Board welcomed this decision and the appointment of Air Marshal Garwood as its Chair.
11. The Board noted the update.

### **IV. CHIEF EXECUTIVE REPORT (DOC 2018-89) BY RICHARD MORIARTY**

12. Mr Moriarty updated the Board on key meetings and live issues.
13. Mr Moriarty and Mr Swan briefed the Board on safety-related activities as a result of the tragic helicopter accident at Leicester in October, including the EASA issued Airworthiness Directives (7 and 19 November). The Chair asked that a session be scheduled with Board members on the broader topic of helicopters.

**Action: Secretariat**

14. The Board approved minor changes to the distribution of papers ahead of the December meeting, as a result of the Christmas break.
15. Mr Moriarty gave a brief update on Brexit, highlighting the European Commission's published proposals for a "barebones agreement" in the event of a no-deal outcome. He reiterated that the CAA was continuing to advance its contingency plans against all Brexit scenarios and to maintain high levels of engagement with industry.
16. The Board noted the latest discussions with Heathrow on its capacity expansion planning. These had included focus on stakeholder engagement, current timetables and wider political considerations. Mr Smith confirmed that the team was working through the cost control issues brought to its attention.
17. Mr Swan referenced the Helios report previously discussed in relation to Shoreham. He confirmed its outcomes would be reflected as part of the annual process for updating CAP403 (Flying Displays and Special Events: Safety and Administrative Requirements and Guidance), and ahead of next year's pre-season briefing sessions.
18. The Board noted the report.

## **V. AIRSPACE MODERNISATION STRATEGY: NEW STRATEGY & FIRST REPORT TO THE SECRETARY OF STATE (DOC 2018-090) BY TIM JOHNSON**

19. The Board welcomed Dr Roberts-Hughes to the meeting. Mr Johnson introduced the paper. He noted previous Board discussions on the topic, whose outcomes were reflected in the draft Airspace Modernisation Strategy (AMS) document.
20. Dr Roberts-Hughes outlined the two main areas of the AMS for agreement: its objective and governance arrangements. Both had been developed in close collaboration with the Department for Transport (DfT) and in the context of the existing regulatory and legal frameworks.
21. The Board discussed the wording of the objective. Dr Roberts-Hughes noted that the Secretary of State's request of NERL to develop a plan for airspace changes in the South East and the DfT's policy paper on making best use of existing runways, led the CAA and others, to infer from the draft AMS policy that growth should be prioritised whilst taking into account any mitigating environmental considerations. The DfT has since reviewed the objective to reflect a broader set of aims. Members noted concern that, without further clarity on how trade-off decisions under the airspace modernisation process would be made, this new objective could lead to problems in practice. It was agreed that this issue should be raised more formally with the DfT in the context of taking forward modernisation.

22. AVM Mayhew informed the Board of expectations for increased demand in military use of mid and upper airspace. It was agreed that this should be more strongly reflected within the document to ensure that it was accurately detailed and could be properly considered as part of the strategy. Dr Roberts-Hughes agreed to coordinate this input with the relevant officials.

**Action: Dr Roberts-Hughes**

23. The Board noted the proposals in the paper relating to governance. It agreed these, recognising that further consideration would be given to the specific design and functions of the CAA's new Delivery Monitoring and Oversight (DMO) function. It was highlighted that acceptance of this proposal did not rule out the likelihood of a need for the Government to introduce legislative powers to direct specific airspace change proposals.

24. The Board thanked Dr Roberts-Hughes and her team for its work, recognising that substantial effort had gone into drafting the document and engaging with the relevant stakeholders. The Chair noted that the document had been very well written, with the complex issues well-covered, in a clear manner.

25. The Board agreed the document for publication, subject to minor alterations that were delegated to Mr Johnson and Mr Moriarty to sign-off on as required.

## **VI. ELECTRONIC CONSPICUITY DEPLOYMENT (DOC 2018-091) BY MARK SWAN**

26. Mr Swan introduced the paper outlining proposals for formalising the CAA's high-level strategy on electronic conspicuity.

27. The Board agreed that the long term wish of the CAA is to ensure that there is full electronic conspicuity of users of UK airspace. This will unlock safety benefits, save lives and enable future airspace design to accommodate better sharing and access among different users of airspace. As such it was agreed that electronic conspicuity is a vital programme to aid the Government's and the CAA's broader AMS.

28. It was agreed that electronic conspicuity means the airspace user can 'sense all others and be seen by all others' by electronic or digital means.

29. The Board agreed that the CAA would not be requiring a particular technology or supplier of technology at this time. Given global market, commercial and regulatory developments, however, ADS-B enabled, and interoperable platforms were recognised as the most likely, commonly adopted technology in the UK and alternatives would therefore be expected to be interoperable with ADS-B standards. Mr Swan highlighted that the CAA's CAP 1391 sets the existing UK

standard for these devices and confirmed that it would be kept up to date as a performance-based standard, to enable rapid advances where appropriate.

30. The Board agreed that an immediate, general mandate to require all users to be fully electronically conspicuous would not be proposed at present. It approved, however, the team's use of a rolling programme of highly focused mandates over the next few years to target particularly challenging volumes of airspace, when making decisions on airspace change requests proposed by industry sponsors. It was agreed that the CAA would be minded to move to a general UK mandate requiring all users to have full electronic conspicuity at a future date. This date would be influenced by the pace of adoption, the availability and cost of equipment, the development of ground-based infrastructure and other technological developments. It was agreed that under current thinking, the earliest date for such a general mandate would be in 3-5 years' time.
31. It was noted that the CAA would consult interested parties early in 2019 on this high-level strategy, including the mechanisms for achieving it, before making a decision later in 2019 on its formal adoption.

**Action: Mr Swan**

## **VII. RADIO SPECTRUM FOR PROGRAMME MAKING AND SPECIAL EVENTS PAPER (DOC 2018-092) BY MARK SWAN**

32. Mr Swan introduced the paper in the context of OFCOM's plans to allow access to the aviation radio spectrum for the purposes of Programme Making and Special Events (PMSE). He confirmed that no safety or technical issues had been raised by the team, whose investigations had included testing of equipment and consultation with radar operators. The Board noted that other countries had also allowed this approach, including France and Sweden.
33. It was noted, however, that ICAO's current position does not support this type of spectrum sharing. ICAO's concerns appeared to focus on the need to preserve the spectrum for future aviation needs and the risk of precedent setting if it were given over to non-aviation uses. For this reason, the DfT had been informed of the potential risk that ICAO could issue a "significant safety concern" in relation to the UK's decision on this topic. Mr Moriarty and Mr Swan had also discussed this matter with ICAO contacts within relevant forums.
34. Mr Swan informed the Board that, following engagement, OFCOM had given an assurance that this use of the spectrum would give way to aviation sector use if there became a future need. The Board asked that this agreement be finalised and shared publicly to provide full assurance.

35. On the basis of the discussion and report, the Board endorsed acceptance of OFCOM's safety assurance case for its decision to allow PMSE use of the unused radio spectrum.

36. The Board noted the report.

**VIII. 2019/20 CHARGES CONSULTATION PAPER (DOC 2018-093) BY CHRIS TINGLE**

37. The Board noted the updated paper following previous discussions and the response to the proposals from the Finance Advisory Committee.

38. Mr Gray suggested that the drafting of the section relating to CAA International (CAAi) be reviewed to ensure that the proposed action was properly positioned in relation to the issues set out.

**Action: Mr Tingle**

39. The Board approved the paper for consultation. Mr Stephenson confirmed that the DfT would be notified of the decision ahead of the paper's release tomorrow.

**Action: Mr Stephenson**

**IX. SARG MONTHLY REPORT (DOC 2018-094) BY MARK SWAN**

40. Mr Swan briefed the Board on recent safety events and oversight activities since the last meeting.

41. Mr Swan informed the Board of the CAA resourcing challenge for ATCO-qualified roles. He confirmed that there were no safety implications, but that there was a risk that over the long-term this could result in a slower rate of airspace change. For this reason, action had been taken to review AAA's resourcing strategy. Mr Moriarty confirmed that the Executive Committee recognised this issue as the CAA's current top resourcing risk and Mr Swan would keep the Board updated on this issue.

42. The Board noted the findings of the post-season review of air displays and the positive feedback received by industry.

43. Mr Swan highlighted that the UK's State Safety Programme had now been published on the CAA website, following national and international engagement.

44. The Board noted the report.

**X. FINANCE REPORT (DOC 2018-095) BY CHRIS TINGLE**

45. Mr Tingle reported the financial results to the end of October, which were tracking ahead of budget for the month and the half-year forecasts. He noted that there was still a risk to revenue for the remainder of the year and headcount was continuing to be closely monitored.

46. Mr Tingle updated the Board on CAA House rental agreements and stated that the risk of requiring overdraft use this year remained low as a result of current cashflow expectations.
47. Mr Ward thanked Mr Tingle for including information in the report on going concern and asked that subsequent reports also contain some additional points on the interdependencies relating to these.

**Action: Mr Tingle**

48. The Board welcomed the news that a new significant international contract had been signed by CAAi, which had been added to the budget forecasts.
49. The Chair commented that she liked the way Mr Tingle and the team had reframed the Finance report over recent months to convey the relevant information effectively to the Board.

#### **XI. ANY OTHER BUSINESS AND FORWARD AGENDA**

50. Mr Swan informed the Board of a forthcoming Airprox Board report and Mr Stephenson confirmed that he would provide communications support as required.

**Date and Time of Next Board Meeting:  
12 December 2018, CAA House**