The Government's Response to the House of Commons Transport Committee's Preliminary Report on UK Transport Security

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INTRODUCTION

1.   The Government is grateful to the Committee for the considerable work that has gone into its preliminary report on transport security, published on 30 November 2005. Evidence considered by the Committee included a detailed memorandum from the Department for Transport (DfT) and the Secretary of State's appearance before the Committee on 2 November 2005.

2.   The Department has given careful consideration to the points raised in the report and at the earlier evidence session. This paper complements the detailed answers TRANSEC[1] provided to the 77 questions posed by the Committee following the November evidence session.

3.   The Government has noted the Committee's plans to hold a full inquiry into transport security, 'Travelling Without Fear', in early 2006. As part of this inquiry, the Department submitted a memorandum on 12 December 2005 detailing its roles and responsibilities in relation to transport security and as the co-ordinator for contingency planning.

4.   The Government's response broadly follows the subject headings of the Committee's preliminary report.

RESPONSE TO PRELIMINARY FINDINGS

Threat prediction

5.   Relevant and timely threat information must be a cornerstone of transport protective security regimes if they are to remain proportionate and flexible. Threat assessments are provided by the Joint Terrorism Analysis Centre (JTAC), formed in 2003, which is a multi-agency group of counter-terrorist experts based within the Security Service. It provides a single point of contact for threat assessments. JTAC takes account of what is known from past activity and intelligence about terrorists' capability and intentions. Their assessments usually reflect the general picture but may contain more specific information. In deciding how best to manage the risks in response to these assessments, TRANSEC also takes account of industry's vulnerability to attack, the consequences of an attack and the probable impact of any measures. If specific intelligence about a threat is received, TRANSEC considers specific additional security measures, over and above the general regulatory regime, in response.

6.   The Intelligence Services are continuing to look at the security and intelligence aspects of the London bombings last July. UK transport systems have been assessed as being at a high level of threat for some time with events both here and overseas underlining these assessments. The attacks in London, and in Madrid in March 2004, demonstrated the intent of terrorists to attack rail networks and their inherent vulnerability.

Heightening practical protection for the travelling public

7.   There is no higher priority for Government than combating the threat from international terrorism. As part of the overall protective security regime, transport security has developed over time, with mature programmes of regulation and best practice in place for aviation since the early 1990s and arrangements for the other modes developed more recently.

8.   TRANSEC is responsible for developing and enforcing the security standards required of transport operators. There are long-standing working relationships between industry and Government, and between the various Government stakeholders. Security is kept under continuous review so that new measures can be developed and incorporated into transport systems as necessary. Measures are designed to be sustainable, with the aim of creating a security regime that is practicable and allows the transport networks to continue to function effectively.

9.   During 2005, a programme of enhanced security measures was produced for the rail industry to draw upon at times of heightened threat. Operators used this programme after the July events to introduce measures over and above regulatory requirements. Transport for London (TfL) and London Underground (LU) took further steps to improve capability and capacity with a further increase of 100 British Transport Police (BTP) officers, taking the total to some 750 officers.

10.   To complement this increase in immediate visible protection, longer-term solutions for protective security are also sought. The Government's counter-terrorism committees co-ordinate the Research and Development (R&D) activities of Government departments to avoid duplication and ensure that a fuller understanding of available technologies is developed. The same research can potentially benefit many sectors. TRANSEC also sponsors a programme of research, development and technical evaluation (R,D&E) and works closely with international partners to co-ordinate activity.

11.   TRANSEC has commenced trials to test various types of security screening equipment on parts of the rail and London Underground network. Some of it is new to the market and some of it is currently in use in other transport modes, for example aviation and maritime. The trials started with passenger and baggage screening on the Heathrow Express service at Paddington railway station in January 2006. They will continue in other formats at a small number of rail and underground stations during the first half of 2006. These trials are designed to inform decisions on what is, or is not, practical in terms of additional protective security measures on the rail and underground networks, and whether such measures are appropriate and proportionate. These trials draw on the experience of technologies gained from the R&D programme. Work has also started on identifying and dealing with vulnerabilities arising from vehicle access to stations.

12.   TRANSEC is supporting other Government departments and agencies such as the Home Office and the National Security Advice Centre (NSAC) in their research activities such as the development of bomb blast effects and mitigation techniques, Intelligent Vision Systems (IVS) for CCTV, and behavioural sciences such as the recognition of suspicious behaviour.

13.   In the future, IVS may contribute to increased protective security. The term covers all systems designed to detect (automatically or semi-automatically) unusual or unauthorised behaviour in a CCTV image. IVS has been available for some time, and can already be used for simple tasks such as monitoring whether a door is open or closed. Potential security applications include watching access points or perimeters for

movement and looking for unattended bags or vehicles at vulnerable sites. Spotting individuals in a crowd acting suspiciously is more difficult as it first needs to be defined what constitutes suspicious behaviour.

Co-operation within Government to meet attacks

14. As stated publicly by both the Secretary of State for Transport and the Home Secretary in recent Committee appearances, the response on 7 and 21 July 2005 was highly effective owing to the amount of pre-planning and exercises that had taken place.

15. Robust co-ordination arrangements exist across Government, its agencies and the police, which are enhanced through the Government's long-term counter-terrorism programme, CONTEST. This is driven by continuing effective and empowered leadership and governance arrangements at ministerial and official level. There is a clear overall strategy for dealing with the terrorist threat, including that to transport.

16. To build on and strengthen existing informal processes, a review and rationalisation of CONTEST in 2005 resulted in a move to four separate sub-programmes. Each of the four pillars of CONTEST (Prevent, Pursue, Protect and Prepare) has a cross-government sub-committee which is responsible for developing action plans using appropriate programme management procedures. Within the Protect pillar, transport security was identified as a workstream in its own right. The Director of TRANSEC was appointed Senior Responsible Owner (SRO) with a remit to co-ordinate all aspects of transport security and report to the official and ministerial committees. This has provided a more formal framework and is managed to ensure that the various stakeholders have visibility of each other's work, that the boundaries between the various programmes are managed efficiently and that progress reports are given at scheduled intervals to the Committee that oversees the work.

17. In addition, from an intelligence perspective, a small number of TRANSEC staff are 'visiting members' of JTAC and have full access on a daily basis to all relevant intelligence. Reports are also read by senior managers and others within TRANSEC so that they can be taken into account in front-line work and overall planning.

Co-operation between Government and the transport industry

18. Strong relationships have been established with industry, designed to initiate discussions on threat, intelligence, costs and regulation. The emphasis remains on TRANSEC's front-line activities and working in partnership with industry to raise standards as the Government and police alone cannot provide the security regime that is needed.

19. TRANSEC works closely with all stakeholders to keep under review existing protective security regimes which are designed to achieve proportionality and cost-effectiveness while taking into account the nature of the threat.

Aviation sector

20. There is a natural, healthy and inevitable tension in the relationship between TRANSEC as the regulator and the industries regulated, given TRANSEC's purpose and the understandable desire of industry to reduce its exposure to security costs. Consultation arrangements with the aviation industry, both through the formal structure of the Department's National Aviation Security Committee (NASC) and its sub-committees, and through regular day-to-day contact at working level, are very

well established. TRANSEC believes that these arrangements generally work well and that a constructive relationship with the industry exists. TRANSEC is nonetheless always open to suggestions from stakeholders as to how these arrangements may be further enhanced.

21. The UK's National Aviation Security Programme (NASP) has been in place for many years and much of it is now mandated in EC law. In recent years changes to the NASP have focused on adjusting existing measures rather than developing totally new requirements. Consequently, these adjustments have not been subject to formal Regulatory Impact Assessment (RIA) procedures, although consultation is undertaken in every case, including consideration of cost as well as practicability and sustainability. TRANSEC has recently reviewed this process and has decided to implement a more formal approach to considering the potential impact of new requirements, based on the formal RIA process. TRANSEC and transport security operate in line with the general principles of good regulation.

22. The Department does not accept the suggestion made by British Airways in their evidence to the Committee that there is over-regulation in the UK compared with other countries. The airline has suggested this in general terms to TRANSEC but has not set out in detail the measures it regards as excessive. British Airways states that "in the UK there are more than 50 additional measures required by the Department for Transport and the Government to be implemented by UK airlines alone, over and above those stipulated by EU regulation". This demands some clarification. EU regulation provides a minimum baseline standard, and Member States are permitted to apply more stringent measures. Aviation interests in the UK face a higher level of threat than those in most other Member States and TRANSEC therefore requires, in some areas of its regulation, security measures over and above the EU minimum. TRANSEC enjoys an effective working relationship with BA.

23. The Department believes that the measures it has mandated are proportionate, in the face of the heightened level of threat, and that taken as a whole its Directions provide a coherent, layered security regime. It is nonetheless prepared to consider concerns which any 'directed' party may have about the need for, or the effectiveness of, particular measures. The Committee should be clear that those measures airlines are required to implement in the UK do not apply to "UK airlines alone" but to all airlines operating from UK airports.

24. Virgin Atlantic's evidence referred to "considerable duplication" between the Civil Aviation Authority's Safety Regulation Group and the European Aviation Safety Agency. Neither body is involved in the regulation of aviation security. Virgin Atlantic also raised concerns about the military response to bomb alerts on civil aircraft. The company has, along with other trusted parties, received a confidential briefing on the arrangements in place to respond to such incidents. The Department believes that the company has a clear understanding of the processes and rationale behind the arrangements, as well as a full appreciation of the key role airlines themselves play in ensuring that situations do not escalate unnecessarily. On communication of the threat, industry contacts receive regular updates through the NASC on the threat to UK aviation and any changes in the UK aviation threat level are communicated immediately to all directed parties by TRANSEC.

Other transport sectors

Maritime

25. The Department has established the National Maritime Security Committee as its focal point for consultation on maritime security matters. It is attended by senior representatives of the port and shipping industries and by other relevant Government Departments and meets twice a year. The Department has also established a Shipping Panel and a Ports Panel for consultation on specific matters.

26. Consultation with industry also occurs as part of the programme of compliance inspection and TRANSEC participates at port security committees.

London Underground train radios

27. On 7 July 2005, other than where the radio equipment was damaged by the explosions, LU's radio system continued to work effectively. However, the radio system is not as resilient as LU would like for its own operational needs and an improved system would enable even better responses to emergencies. During 2006 and early 2007, a new radio system will be introduced line by line as part of an integrated digital communications system, known as Connect.

28. Connect will allow all staff at station, train and depot level to talk to each other and provide improved resilience, as well as providing greater CCTV transmission capacity and other benefits. Connect will replace over 20 fragmented systems, many of which are life-expired and overdue for replacement. Following the events of July, LU has looked at options to accelerate the Connect programme further and deliver key benefits as early as possible.

29. In addition, LU instigated work to strengthen the resilience of its existing radio system. This included checks on the most vulnerable and inaccessible elements of the train radio network, and led to priority work to improve resilience and reduce the risk of failures. This has now been completed, but will continue to be reviewed until the new radio system is fully operational across the LU network.

Identifying dangerous packages

30. The Government has noted the Committee's comments on the way procedures for identifying potentially dangerous packages in the Underground are applied. TRANSEC promulgates advice known as the 'HOT' Protocol, devised by the BTP in the early 1990s as a 'mental prompt' to assist rail staff in evaluating the risk associated with the discovery of an unattended item.

31. Between 1991 and 2001, 2.5 million reported items were left unattended on Britain's railways. All but 36,000 were successfully treated as lost property by staff applying the 'HOT' principle and of the remainder reported to police, 24,000 were discounted without any disruption to passengers or train services. The final 12,000 resulted in an attendance from special units of the BTP with only 45 being required to be referred to bomb disposal units.

32. Those cleared by the BTP were dealt with by officers who clear suspicious items in an average time of around 12 minutes. On no occasion has any unattended item report resulted in a genuine viable explosive device. The protocol is assessed regularly.

TruckWatch

33. The Government has noted the Committee's comments on the operation of the non-governmental, charity-run 'TruckWatch' initiative. The primary emphasis of the scheme is HGV theft-prevention rather than being a specific counter-terrorism measure. Participating HGV drivers are notified of stolen HGVs, and encouraged to report any sightings to the police.

34. It is the Government's understanding that the scheme has not expanded as envisaged since it is voluntary, and only one police force has continued their involvement. The Government takes all crime seriously including theft of, and from, road haulage vehicles. The Home Office continues to review what works in combating all vehicle crime through both the Vehicle Crime Reduction Action Team and its sub-group the Joint Action Group on Lorry Theft.

TRANSEC

a. Resources

35. As set out in the 2004 Spending Review, the Government provided additional resources so that by 2007-08 the UK's planned investment in counter-terrorism and resilience will be over £2 billion – more than double the pre-September 11 2001 level. This does not include core military and police spending.

36. TRANSEC has a budget of £16.8m which is allocated according to the division of staff. Of TRANSEC's 200 staff, 122 are engaged in front-line work, 35 in direct support of this work, a further 24 in general administrative support, and there are 19 senior and middle managers. There are 70 front-line and front-line support staff in aviation, 32 in land transport, and 31 in maritime. In addition, there is a team of 14 dedicated to industry training and vetting, five on the R,D&E programme and a further five working on threats and contingencies.

b. Operational matters

Approach adopted to enforcement

37. The Department seeks to build positive relationships with the transport industries to encourage their compliance. TRANSEC works closely with transport operators to develop security measures and practices that are effective, sustainable and responsive to the changing nature of security threats.

38. The compliance model used by TRANSEC is applied consistently to all transport modes. It follows a stepped approach with the primary emphasis on co-operation, advice, dialogue and self-rectification, followed up through enforcement and, in the worst or persistent cases, prosecution. Experience to date has shown that prosecution has not been necessary as industries have been willing to implement remedial action when breaches, or potential breaches, of security have been highlighted by TRANSEC.

39. TRANSEC recently undertook an internal review of compliance activity, during which views were sought from across industry. A Compliance Policy Framework document has now been produced which includes a statement of the principles of TRANSEC compliance, summarises the main compliance activities, sets out how TRANSEC compliance teams operate with industry, and describes what is expected

from industry in return. It is currently an internal document, but TRANSEC is considering how best to share it more widely.

40. As part of the review of industry, self-audit and quality assurance were considered. These are actively promoted and encouraged in TRANSEC's ongoing dialogue with industry. It is believed that there is an increasing commitment to good security across industry and recognition that an active quality assurance programme is important. However, the pace of implementing improved industry quality assurance schemes is likely to vary between modes depending on the maturity of regimes.

The value of international liaison

41. The Department employs Regional Aviation Security Liaison Officers (RASLOs) based overseas to work collaboratively with international partners and UK airlines in key regions around the world, providing technical and specialist support, training and guidance. TRANSEC has been actively involved in training activities internationally for many years. This has particular benefits at locations where UK airlines operate but also serves to improve the security environment for other airline operations to the UK.

42. The international community has responded to the changed security environment by expanding existing, and developing, international protective security regimes, a process which TRANSEC has actively supported.

43. This has included the development of international aviation security through the International Civil Aviation Organisation (ICAO) and the European Civil Aviation Conference (ECAC). Greater prominence has been given to maritime security by the International Maritime Organisation's (IMO) new regime and, additionally, international concerns about the secure transport of dangerous goods have been reflected in recently adopted United Nations and EU security requirements. TRANSEC is also involved in the development by the G8 of best practice and other guidance on transport security. In addition it has strong bilateral relationships with its equivalent bodies in many other countries, including a long-established working relationship with its French counterpart in respect of security in the Channel Tunnel.

44. TRANSEC enjoys significant influence and respect internationally as a result of its expertise, experience and high standards of transport security in the UK. This is demonstrated by the many international delegations it receives and the frequent requests for TRANSEC's input into international exchanges.

Security for 'closed' and 'open' systems

45. The nature of air travel (international focus, relatively limited number of entry and exit points to the system, longer journeys and the need in many instances for other passenger controls) has made it possible to maintain a 'closed' system and to exercise central security controls. This has been helpful in addressing the risk to aviation posed by terrorists and others. History demonstrates that aviation has long been an attractive target and it has thus been subject to security for a longer period than other modes of transport. The consequences of a successful attack remain potentially very serious and it is right that every effort continues to be made to address vulnerabilities.

46. In recent years, terrorist attacks around the world have demonstrated a shift towards 'soft' targets i.e. those that are harder to protect. These include the 'open' networks such as rail and underground systems, which are designed to be readily accessed by large numbers of people for relatively short journeys. It is not possible to apply exactly

the same package of aviation-style security techniques to an open system, but much effort has been devoted to devising measures which enhance security in what are effectively public places.

47. The closed systems do not take priority over the open ones but the approach to security and methods used are necessarily different.

c. Reporting

Annual report

48. The Department is committed to effective Parliamentary oversight of transport security and TRANSEC will investigate whether current arrangements can be bolstered to satisfy concerns. TRANSEC agrees with the Committee that a consistent format for the Annual Report would be preferable as it would make year on year comparisons far easier. Some of the changes in the most recent report reflect the fact that it was published on the DfT website for the first time. Notwithstanding undertakings already made regarding its future content, TRANSEC will aim for a more consistent format in future. However, external factors and differing priorities year on year may necessitate some changes.

49. TRANSEC is considering the Committee's recommendation to reinstate information on expenditure and human resource allocation in the Annual Report. Also being considered is what more could reasonably be said about performance targets, though this area is likely to be constrained by security considerations. Once a final position has been taken, TRANSEC will inform the Committee.

50. TRANSEC will also investigate whether, to avoid duplication and increase transparency, the Annual Report could form an Annex to the main Departmental Annual Report. Timing may be an issue as the Departmental report is usually produced ahead of TRANSEC's Annual Report, which contains more detail. TRANSEC accepts the Committee's view that more timely publication of the Annual Report is necessary.

Business Plan

51. TRANSEC's Business Plan includes specific objectives for maintaining and improving security across the industries it regulates. Much of the Business Plan is, however, classified as publication of areas needing improvement may advertise vulnerabilities to potential terrorists.

52. Work is currently in hand on the Departmental and TRANSEC Business Plans for the three-year period commencing 2006/07. As a result of the new format for the Departmental Plan, TRANSEC hopes to be able to include more information about plans and targets than has been possible in previous years.

Public Service Agreement (PSA)

53. Security does not currently feature in the Department's PSA targets. It is deemed a comparatively small (though important) part of the Department's functions and the subject area does not lend itself well to the adoption and measurement of specific, measurable outcome-based targets, delivery of which rests in the Department's control. However, the Secretary of State is willing to consider the recommendation and TRANSEC is investigating methodologies for the measurement of targets.

Public confidence in TRANSEC

Support of the public

54. Public vigilance and support remain essential elements of protective security and therefore the Department measures the extent to which it is retaining public confidence in transport security. Formally, Departmental questions in national attitudinal surveys are used for this purpose. Informally, feedback is gained from industry contacts and the amount and content of correspondence from the public.

55. Since the Madrid commuter attacks in March 2004, TRANSEC has worked with the land transport industry in particular to increase the level of public awareness by promulgating a variety of public messages. This requirement will be included in forthcoming instructions to the rail industry.

56. In 2005, questions on security were included in a BMRB Access Omnibus Survey, looking at how Londoners and users of the London Underground responded to the London bombings and their attitudes to the potential introduction of higher security measures on the transport network. The answers will inform future work.

Training for transport staff

57. Security training in the aviation industry is mandatory. In the other transport modes, training is mainly on an advisory basis. 'Advisory' in this sense means that there is no legal obligation (through instruction or direction) for staff to undergo specified training, and therefore no recourse to prosecution in the event that staff are not appropriately trained. However, the absence of a legal obligation does not mean that appropriate training is not taking place.

58. In the maritime industry, training is currently mandated for all company and ship security officers, and for Port Facility Security Officers and their deputies. The training of other port security personnel is undertaken by the industry on a voluntary basis. TRANSEC is developing a standard curriculum that will be given to training providers who, upon accreditation by TRANSEC, will deliver the courses to industry. Extending the training regime to all security staff will further improve security standards across all sectors of the industry. TRANSEC will report on the delivery of the training following the first 12 months of operation, and will review whether the regime should remain voluntary.

59. In the railway industry, a basic training programme is in place, and training records are kept (monitored by TRANSEC inspectors) even though they are not mandated. TRANSEC currently provides a counter-terrorist security training course for those with direct managerial responsibility within their organisations for security policy or security staff. The three day course aims to increase awareness of rail security issues. It is held twice a year (subject to demand) and is provided without charge. TRANSEC is currently developing a course for industry trainers to enable them to deliver security training to a wider range of rail staff.

60. TRANSEC also provides the rail industry with a training toolkit and aides which includes a railway security training video. This is widely used as part of induction and refresher training programmes. The toolkit is designed to provide guidance and materials to enable operators to train staff in security matters appropriate to their roles, ranging from general security awareness through to screening and searching. The video is being updated for distribution in spring 2006.

61. TRANSEC is currently in the process of mandating a requirement on the rail industry, including LU and regulated light rail operators, to provide security training for staff with specific security duties. Work is well advanced on draft detailed training requirements, and TRANSEC expects to consult the industry and issue appropriate instructions during 2006.

Media

62. The media has a legitimate interest in security and public safety. However, the Department has to consider the balance between the public's right to be informed of the risks (and their mitigating measures) and to ensure terrorists are not fully aware of the preventive measures in place.

63. Media coverage can be helpful, and TRANSEC always investigates any alleged breaches of security, whether exposed by the media or by anyone else, so that any weaknesses can be addressed. The Department's preference would be for genuine weaknesses not to be put into the public domain, as it could help terrorists. If, on investigation, an alleged weakness proves not to be genuine, then public confidence would have been undermined for no reason. However, refuting unsubstantiated media allegations normally entails putting more into the public domain than is in the interests of national security.

Conclusion

64. The work of the Committee through its preliminary report and forthcoming inquiry highlights the continuing threat from international terrorism and accordingly the need for an effective Government response. In the transport sector, the Government has established long-standing protective security arrangements that are considered proportionate, pragmatic and sustainable. The challenge remains to maintain these protective security regimes and to enable the Government to position itself to counter new and emerging threats.

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