

CIVIL AVIATION AUTHORITY
MINUTES OF THE 535th BOARD MEETING HELD ON
WEDNESDAY 20 NOVEMBER 2019, WESTFERRY (CANARY WHARF)

Present:

Dame Deirdre Hutton Chair
Mr Richard Moriarty
Mr Rob Bishton
Ms Katherine Corich
Ms Marykay Fuller
AVM Ian Gale
Mr David King
Ms Anne Lambert
Mr Michael Medlicott
Mr Paul Smith
Ms Kate Staples Secretary and General Counsel
Mr Chris Tingle
Mr Graham Ward

Apologies:

None

In Attendance:

Mr Peter Drissell
Mr Tim Johnson
Mr Richard Stephenson
Mr Philip Clarke
Ms Barbara Perata-Smith Minute taker
Ms Julie Bryer for items 5 and 6
Ms Louise Stone for item 5 and 6
Mr Andrew Walker for items 7 and 8
Ms Anna Bowles for items 7 and 8
Mr Jay Hoon for items 7 and 8
Mr Dan Rock for items 7 and 8
Mr Rob Toal for items 7 and 8
Ms Jane Cosgrove for item 10

Mr Graham French for item 11
Mr Darren Rhodes for item 11

I. APOLOGIES AND INTRODUCTIONS

1. There were no apologies.
2. The Chair welcomed Mr Bishton to his first Board meeting since taking up his appointment as Group Director of the Safety and Airspace Regulation Group on 6 November 2019.

II. CONFLICTS OF INTEREST, PREVIOUS MINUTES AND MATTERS ARISING

3. No new conflicts of interest were declared.
4. Action 1: Mr Ward requested that the timetable for the Financial Reporting Council's (FRC) Governance Code be clarified, to ensure that the action is completed so as to allow changes to be made before the conclusion of the CAA's next Annual Report and Accounts.
5. The previous minutes for the September and October Board meetings were agreed with minor typographical changes.
6. The Chair requested that the process for review and sign-off the minutes is clarified.

ACTION: Mr Clarke

III. CHAIR'S UPDATE

6. The Chair gave an update of recent meetings and events she had attended.
7. These included meetings with Bernadette Kelly, Permanent Secretary at DfT, and Gareth Davies, Director General for Brexit, Security, Aviation and Maritime at DfT. The discussion with the former covered several topics: Heathrow expansion, and the interaction with the implementation of the Airspace Modernisation Strategy; the Western rail development; airline insolvency reform strategy; and the Secretary of State's requests regarding General Aviation. The conversation with Mr Davies had covered similar ground.
8. The Chair, with Mr Moriarty, also met with the Chair of the Office for Nuclear Regulation. They discussed the internal governance for safety decisions. The Chair had attended the UK Regulators Network Chairs meeting, which largely covered the National Infrastructure Commission's review of Ofwat, Ofgem and Ofcom. The review had recommended an independent Chair for the Network.
9. Lastly, the Chair had met with Robert Light, Chair of the Independent Commission for Civil Aviation Noise (ICCAN). Mr Light will also attend the Board meeting on 22 January 2020 to discuss the development of ICCAN and noise policy.

10. The Board noted the update.

IV. CHIEF EXECUTIVE REPORT (DOC 2019-077) BY RICHARD MORIARTY

Key live issues

11. Mr Moriarty noted that a dedicated CAA programme had been set up to organise and govern the various requests for work from the Secretary of State (SoS), which had been broadly divided into new opportunities, projects that had been in the pipeline but that had now been expedited, work that needed rescoping and anything new. The programme had been allocated resource, but inevitably that had had a displacement effect on other areas. The work was feasible, albeit with some stretch being generated. In response to a question, Mr Moriarty said that the General Election would not change or lower our focus on these policies. He said that they comprised Government priorities until such a time as they are changed or further developed in the future.
12. Mr King asked if the pressure these additional tasks would put on our people would impact safety. Ms Staples said that nothing in the recent guidance, directions or policies from the SoS could undermine our primary duty with regard to safety, albeit it was for the CAA to prioritise its resources against risks as it considered most appropriate. Mr Bishton said that he would keep the Board informed if any material risks to safety arose as a result of diverted resources. Mr Moriarty noted that the SoS had been receptive to the CAA's requests for DfT to provide some funding to support delivery of the SoS's priorities. Mr Johnson gave some examples of Global Navigation Satellite Systems (GNSS) approaches, electronic conspicuity and the airfield development fund.
13. Ms Lambert suggested that all the letters from the SoS should be publicly available on the CAA website. Mr Stephenson said that the plan was to publish the exchange of letters with the SoS after the General Election restricted period.
14. Boeing - Mr Moriarty commented that there had been a lot of press recently on issues identified with Boeing 737 NG and 787 aircraft. Mr Bishton reassured the Board that his team would address diligently any issues brought to their attention and investigate further if new issues emerged, working closely with EASA.
15. Boeing 737 Max 8 – Mr Bishton provided an overview of progress for the Return to Service of the aircraft, saying that CAA had an open dialogue with EASA and regular conversation with the FAA. The CAA was content that EASA was working in a competent and thorough manner and would need to consider the various reports that had been recently issued. Continued alignment between the FAA and EASA on progress was critical.

16. Mr King enquired about recertification and retraining for the crew. Mr Bishton commented that he planned to be involved in EASA's decision-making process and would be attending an EASA meeting later this month. If EASA were to specify training requirements for the aircraft, the timescales for implementation and rollout would be determined by the availability of simulators, which was currently limited. AVM Gale stated that it was difficult to train a pilot on a technical solution that did not exist, but Mr Bishton reassured the Board that EASA and the FAA were reviewing the entire flight control system, rather than just the Manoeuvring Characteristics Augmentation System (MCAS).
17. Ms Corich expressed concern on the amount of publicly available information and suggested CAA should have a plan to address this potential issue. Mr Stephenson commented that consumer confidence would be considered and that the CAA had formed a working group, of which Mr Bishton was a member, to discuss. The response would be dependent on the scenario and on whether our thinking was aligned with other organisations.
18. Shoreham incident – Ms Staples provided a brief summary of progress.
19. N264DB Accident – Ms Staples provided a brief summary of progress.
20. Thomas Cook refunds – Mr Smith confirmed the refunds were still on track and within the 60-day commitment (active from the day the individual's request had been approved). However, due to data quality issues and the importance of making sure the correct monies are paid to the correct people, a large number of Thomas Cook customers have had to be contacted to request further information before the claim could be validated. The auditors had confirmed that the process in place was satisfactory.
21. EasyJet Holidays – Mr Smith stated that easyJet was in the process of applying for an ATOL for its holiday business, aspiring quickly to become the UK's third biggest tour operator, after TUI and Jet2.
22. Drone Registration and Education Scheme (DRES) – Mr Johnson confirmed the scheme had been successfully launched and that registration volumes were broadly in line with our assumptions.
23. ICAO Audit – Mr Moriarty commented that the CAA had recently been approached by ICAO with a request to schedule its periodic audit of the UK's aviation system in 2021. He said that the team was already putting resource in place to ensure it was successfully conducted. The Board supported Mr Moriarty's recommendation on the timing of the audit, and to approach DfT on this basis.
24. Innovation Hub – Mr Johnson commented that the Innovation Hub had been making good progress since it was established in April 2019. He said that a funding