

Appendix 4 to MIL

Safety and Noise Review Board

Terms of Reference and Scope of Competence

1. General

The London Biggin Hill Airport (“LBHA”) Safety and Noise Review Board (the “SANARB”) will look at every BHAL Centrik Safety Management System report along with each noise complaint received and/or Track Violation and Noise Violation recorded by the Noise Monitoring and Track Keeping System that involves an aircraft using London Biggin Hill Airport. The SANARB will assess the causes of the reported occurrence and will decide upon a remedy using the LBHA Just Culture flow chart (see Appendix A of this document).

Acting through officers of LBHA

, the SANARB will have powers to recommend suitable sanctions to be applied:

2. Primary Purpose

The primary purposes of the SANARB are to:

- i) maintain a high standard of airmanship and consideration for neighbours on the part of operators using LBHA;
- ii) ensure that all aircraft operators using LBHA act in a manner consistent with good relations with the local community by correctly and fully complying with published noise abatement procedures;
- iii) ensure that aircraft operators follow best practice at all times including all published airport security and Health and Safety measures as may be from time to time notified by LBHA;
- iv) ensure that all safety reports are fully investigated and that findings are disseminated via LBHA Safety Newsletter in order to prevent recurrences.
- v) ensure that all aircraft operators based at London Biggin Hill Airport have the perception that failure to act in a reasonable, airman-like and considerate manner when operating from Biggin Hill Airport will result in some kind of follow up action by SANARB/LBHA.

3. Membership of SANARB

The membership of SANARB will consist of three employees of LBHAL including the Accountable Manager, the Safety Officer and a representative from LBHAL Air Traffic Control (“LBHAL Officers”) along with a minimum of four Biggin Hill based independent pilots who shall not be employees or agents of LBHAL, (“Independent Members”).

4. Frequency of Meetings

The SANARB will meet monthly on dates to be notified.

5. Quorum

A minimum of two LBHAL Officers and four Independent Members must be present for a meeting to take place.

6. Chair of Meetings

Meetings will be chaired by the LBHAL Accountable Manager or in his absence the LBHAL Safety Manager

7. Minutes to be taken

LBHAL will appoint (at its own cost) a secretary to the SANARB who will take minutes of meetings and will circulate the minutes to all LBHAL Officers and all Independent Pilots (whether or not present at the meeting concerned) within 7 days of the date of the meeting.

8. Duties of SANARB

The SANARB will:

- i) review all noise complaints received by LBHAL;
- ii) review all SMS reports involving an aircraft or airside occurrence;
- iii) identify the cause(s) by investigation;
- iv) using the Just Culture flow chart at Appendix A of this document classify the occurrence;
- v) make recommendations to LBHAL regarding action that may apply using the guide at Appendix B of this document.

9. Powers to Sanction

The SANARB has no power to collect sanctions against offending aircraft operators as, in its sole discretion, it may find appropriate. If the SANARB allocates LBHAL Officers will require those operators subject to a sanction and who wish to continue to use Biggin Hill Airport to be bound by the decisions of the SANARB. Those failing to comply with any requirement made by SANARB may be excluded from using London Biggin Hill Airport until the requirements of the SANARB have been met in full.

A list of possible sanctions can be found at Appendix B to this document.

10. Requirement to Attend

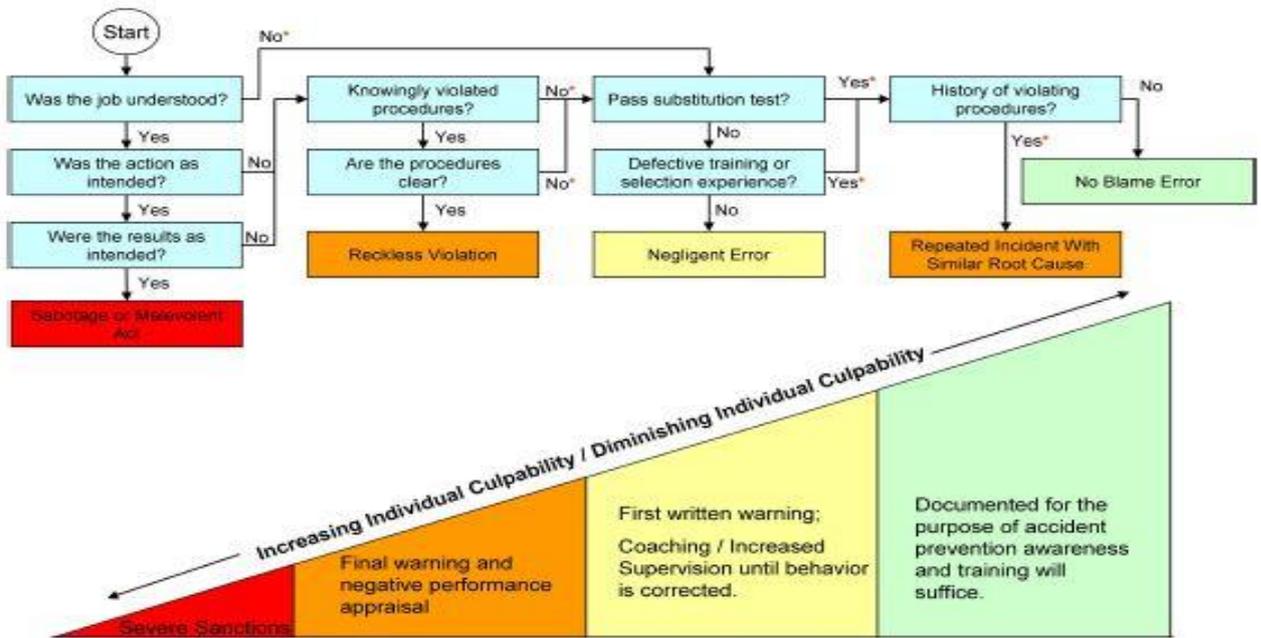
In some extreme cases, the SANARB may request an offending aircraft operator to attend a meeting of SANARB to explain their conduct or to agree remedial action. An aircraft operator who fails to attend without reasonable excuse may be excluded from using London Biggin Hill Airport until the situation has been remedied.

11. Right of Appeal

The decision of the SANARB will be final and LBHAL will recognise no right of appeal against the decision of the SANARB except in manifest error of fact.

Appendix A

Just Culture Flow Chart



* Indicates a 'System' induced error. Manager/supervisor must evaluate what part of the system failed and what corrective and preventative action is required. Corrective and preventative action shall be documented for management review.

Appendix B

Sanctions available to SANARB

- a) A warning, written or verbal, following an error by an aircraft operator, which should include a clear recommendation as to how to avoid such error in the future;
- b) An order requiring an aircraft operator to take a specific action such as to undergo additional or remedial flight training before using London Biggin Hill Airport again and/or within a specified time frame;
- c) In circumstances where an operator negligently or wilfully commits or repeats an error or offence, the SANARB may apply a fine of up to either £500 or 5 times the normal landing fee for the aircraft type concerned, whichever is the lesser.
- d) In the case of a Noise Violation or a Track Violation a maximum fine not to exceed the lesser of up to £500 or 5 times the normal landing fee for the aircraft type concerned.
- e) The SANARB, acting in its sole discretion, will decide upon the level of fine applicable having regard to all the circumstances and any mitigating circumstances.
- f) In very serious cases where the SANARB, acting in its sole discretion, believes that an aircraft operator represents a clear and present danger to safety or to other airport users or to persons on the ground, either by reason of its actions or by its failure to comply with any previous requests of SANARB/LBHAL, the SANARB may issue a request to LBHAL to exclude that aircraft operator from using London Biggin Hill Airport for a specified period or in perpetuity. In such cases consideration should also be given to making a report to the UK CAA regarding the actions of the aircraft operator concerned.
- g) Where an aircraft operator refuses to pay any fine levied, the SANARB/LBHAL may elect to exclude that aircraft or aircraft operator from using the airport.
- h) LBHAL will use reasonable endeavours to collect all fines levied from aircraft operators and owners but for the avoidance of doubt it is the aircraft operator and not the airport operator against whom the fines are levied.