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# Martyn's Law (Protect Duty)

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<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	11 December 2023
<b>Chair of Committee:</b>	Councillor Lee Dillon
<b>Date JMB agreed report:</b>	20 November 2023
<b>Report Author:</b>	Fiona Hargreaves
<b>Forward Plan Ref:</b>	N/a

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## 1. Purpose of the Briefing

- 1.1 To provide Members with an update on progress being made with the Terrorism (Protection of Premises) Bill) as was requested at the October Committee meeting.

## 2. Implications and Impact

Implication	Commentary
<b>Financial:</b>	The financial implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Human Resource:</b>	The resource implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Legal:</b>	The legal implications associated with the enactment of the Bill will be clearer once more detail is known.
<b>Risk Management:</b>	It is anticipated that the introduction of the legislation will assist with reducing the risk of harm at venues with a capacity of 100+ and events attended by more than 800 people.
<b>Property:</b>	There are no property implications associated with this report.
<b>Policy:</b>	Adjustments will be made to relevant policies affected by legislative changes including the Licensing Policy.
<b>Consultation and Engagement</b>	Regular updates on the progress of this legislation are discussed at the Safety Advisory Group. The Draft Bill has been scrutinised by the Home Affairs Select Committee More information on the Government's Response to the Consultation on the Protect Duty can be found here: <a href="http://www.gov.uk">Government response document - GOV.UK (www.gov.uk)</a>

### 3. Background

- 3.1 There have been 14 terrorist attacks in the UK since 2017. One such attack took place on the 22<sup>nd</sup> May 2017 as people left the Ariane Grande concert at Manchester Arena. Martyn Hett was one of twenty-two people who lost their lives along with many more suffering serious and life changing injuries.
- 3.2 Martyn's mother, Figen Murray, along with the Martyn's Law Campaign Team, campaigned for a new duty to require venues to take steps to improve public safety, with a range of measures dependent on the size of the venue and the activity taking place.
- 3.3 One of the recommendations of the Inquiry into the Manchester Arena bombing in 2017 was the introduction of a 'Protect Duty' on those responsible for publicly accessible venues and events to take steps to reduce the risk to the public from terrorist attack.
- 3.4 Currently, private sector organisations work with police to take steps to mitigate against terrorist risk on a voluntary basis. Whilst the private sector has generally been willing to accept advice, difficulties have arisen when it is unclear where responsibility lies, or where mitigations require significant expenditure.

#### The Government Response

- 3.5 In May 2023 the government published the [Terrorism \(Protection of Premises\) Bill](#), also known as Martyn's Law. The Bill proposes a series of legal duties to identify terrorism risks at certain premises and to implement proportionate protective measures to deter attacks.
- 3.6 Which premises will the bill apply to?  
As currently drafted the bill will apply to premises that:
  - have a capacity of 100 people or more; and
  - are open (wholly or partly) to the public; and
  - are used for specific purposes, including retail, hospitality, entertainment, sports and visitor attractions; and
  - may be a building or outdoor location with a readily identifiable boundary.
- 3.7 Premises will have to comply with either "standard" or "enhanced" tier measures, depending on capacity and activity. Standard tier venues are defined as those holding 100-799 people, while enhanced tier have a capacity of 800 people.
- 3.8 The Bill also makes provision for qualifying public events of more than 800 people, where there is an identifiable boundary and express permission to attend (for example, a ticket). These events will have to meet duties similar to those in the enhanced tier.
- 3.9 The new duties will fall on those who have 'control of the premises', noting that often this will be an organisation rather than an individual.
- 3.10 Acknowledging that security is often a service that is contracted out and that many premises will have more than one occupier, the Bill also requires co-operation between duty holders.

- 3.11 Standard-tier premises will need a terrorism evaluation, to be reviewed annually and to provide relevant workers with terrorism protection training.
- 3.12 Those in the enhanced tier will also have to complete an enhanced terrorism risk assessment and then implement reasonably practicable security control measures. They will also need to prepare and maintain a security plan.
- 3.13 The draft Bill requires premises in scope to register with a regulator, which is likely to assist them in prioritising inspections. We do not yet know who the regulator will be. The Home Office is considering a range of options, including extending the remit of an existing regulator or creating a new standalone body. The identity of the regulator will be confirmed either before the Bill is presented to Parliament or in the text of the final Bill itself.
- 3.14 There is much in the draft Bill that is familiar to those already involved in health and safety work, particularly those already used to managing premises risks, such as fire and asbestos.
- 3.15 The draft Bill outlines, investigatory powers, notices (Contravention notices and Restriction notices) and fixed penalty notices (schedule 2)
- 3.16 Schedule 3 outlines amendments to the licensing of premises at heightened terrorism risk.

## **4. Current Status**

- 4.1 The draft Bill has been subject to pre-legislative scrutiny by the Home Affairs Select Committee, which heard evidence from a range of stakeholders.
- 4.2 Issues raised included the financial impact on businesses, application to the voluntary sector, and the absence of any provision for large unticketed outdoor events, such as Christmas Markets and marathons.
- 4.3 The Committee reported to the Home Office just before the summer recess. We expect a response from the government this autumn, following which the final text of the Bill will be presented to Parliament to begin its journey onto the statute books. There is cross-party support for the Bill, so we expect it will become law.
- 4.4 The Home Office is also catering for a transition period if the Bill becomes an Act, meaning there will be further time for organisations to achieve compliance.
- 4.5 The Terrorism (Protection of Premises) Bill was one of 21 Bills mentioned in the King's Speech on 7th November, signalling the Government's intention to pass it into law in the coming year.

## **5. Implications for Local Authorities**

- 5.1 There are a number of implications for local authorities as providers of venues and organisers of events, The Local Government Association has made representations to the government regarding funding and implementation timescales but following the King's Speech broadly welcomed the Bill in its current format and scope.
- 5.2 In terms of the implications for the Public Protection Service these are not clear. The Service currently oversees the multi-agency Safety Advisory Group which includes

partners from inside and outside the Councils including Thames Valley Police, South Central Ambulance and Royal Berkshire Fire and Rescue Service. Working with organisers the group reviews risk assessments and event plans from all aspects and where it feels changes are needed advice is provided to venue owners and event organisers.

- 5.3 It is through the Safety Advisory Group that we will work with organisers to ensure that they are aware of their legal obligations of the 'prevent duty' and that they are taking steps to comply. Ultimately the enforcement powers will rest with the 'responsible authority'. We will ensure that reference to the requirements are included in the Event Management Template that the SAG uses. Initial discussions about its inclusion have taken place with colleagues in Emergency Planning.
- 5.4 In addition, there may be the need for changes to the premise licences / safety certificates for relevant premises and also each the Licensing Act 2003 policy for each council, but this is not known at this stage.
- 5.5 It is proposed that the JPPC will be kept up to date on the passage of the Bill, role out and implications for local authorities and the Public Protection Service.