

Martyn's Law Briefing

July 2023

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Home Office

Why: the need for change

A shifting threat...

- Publicly Accessible Locations remain a **likely target**.
- **Targeting is threat actor dependant**. It remains an individual choice which **cannot be predicted**.

...new research insights...

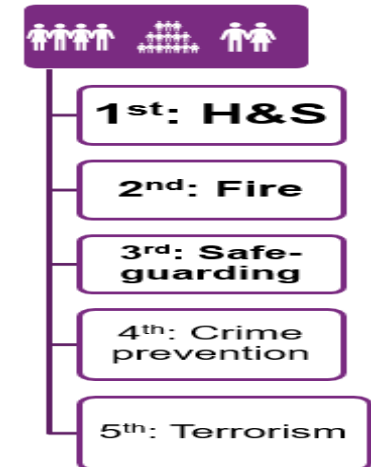
- **626,000 different organisations** which may own or operate at least one publicly accessible location in the UK.
- **99% of these are SMEs** (16%) and Micro enterprises (83%).
- Organisations are more receptive to engagement and advice at **local level** and prefer to **embed CT in existing schemes/practises**
- Without **legislation**, CT engagement from organisations will be limited

...external commitments...

- The Conservative manifesto commits to improving the **safety and security of public venues**.
- **'Martyn's Law'** campaigns for increased safety measures at public venues.

...and Inquest recommendations.

- Review the **crowded places definition and criteria** for identifying crowded places in the UK - ensuring it is less 'excessively rigid'
- Consider introduction of **legislation** to govern the duties of public authorities or produce guidance to outline the legislation currently in place so everyone understands roles and responsibilities
- Ensure that police and Local Authorities are aware of measures that can be implemented for new threats.
- The **Manchester Public Inquiry** has also focused on these challenges



Scope

Public
premises
and events

- The public are permitted to access the premise (or a part of the premise) or event

Qualifying
Activities
(premises)

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- Primarily used for specified types of activities/purposes
 - Shops/services
 - Food and drink
 - Nightclubs etc.
 - Entertainment activities
 - Sports Grounds
 - Recreation, exercise or leisure
 - Libraries, museums and galleries
 - Exhibition halls etc.
 - Hotels etc.
 - Places of worship
 - Health care
 - Transport (where Regulations do not already apply)
 - Education sectors
 - Public authorities

Scope

Qualifying
Premises
and
Events

Capacity
thresholds

Premises

- A building, including land occupied with the building (including part of a building, or a group of buildings); or
- Any other land which has a readily identifiable physical boundary (whether permanent or not)
 - Premises comprising land in the open air in scope are those subject to express permission (i.e. payment or ticketed entry)

Events

- Temporary events (e.g. festivals or events at premises which are not qualifying premises)
- Access to the event is by express permission (i.e. payment or ticketed entry)

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- Max capacity used to determine premises in scope, and what tier premises will be drawn into.
 - Standard Tier – 100-799 persons max capacity (Premises only)
 - Enhanced Tier - 800+ persons max capacity (Premises and events)
 - Capacity calculations.

Requirements

Standard Tier (simple yet effective activities and processes to improve preparedness)

- Standard Terrorism Evaluation

Enhanced Tier

- Carry out a **risk assessment process**
- Develop a **security plan** which takes forward reasonably practicable mitigating **security measures** (recorded and auditable)
- Framework of security requirements to be considered / taken forward
- Mitigating measures that organisations may take forward to achieve those outcomes:
 - Physical measures e.g. exterior lighting, access control measures, search and screening
 - People e.g. developing staff vigilance and a security culture, training
 - Systems and processes e.g. emergency response arrangements, invac or evac, encouraging organisations to consider security across their premises, the assets they own and the services they deliver, as well as in their projects and programmes

Who is responsible?

- Person/s in control of the premise ('responsible person' - which is an organisation or a corporate body)
- At enhanced tier premises:
 - The owner must co-operate with the person in control on security plan mitigations;
 - There will be premises which have multiple premises within scope - they will be legally required to cooperate with person in control to achieve requirements (as and where necessary); and
 - Considering requirement for a senior responsible officer who certifies the risk assessment and security plan

Regulation

- Legislation will create a Regulator who will oversee compliance
- Powers provided to conduct full assessment of sites
- Regulator will engage and provide advice and guidance, but sanctions will be applied where required

Sanctions

- Inspectors to exercise judgement in using enforcement powers, taking into account a range of factors
- A (predominately) civil sanctions regime, which could result in financial penalties or for enhanced premises temporary closure/restriction of activity
- Monetary Penalty (up to £10,000) for standard tier premises, 5% of worldwide turnover or £18m whichever is greater) for enhanced.
- Criminal offences available for enhanced tier sites only, for the most serious of breaches

Next Steps/Timings

- The Bill was published on the 2nd May
- Scrutiny by the Home Affairs Select Committee (HASC)
- HASC report and Government response
- Legislation will be taken forward as soon as parliamentary time allows
- If and when the Bill becomes an Act, there will be time before it is commenced for engagement and communication of requirements with stakeholders, and to ensure their preparedness

Protective Security - Zones

Zones North-East Pilot March 2022 – March 2023

On behalf of HSG, NaCTSO ran a year-long pilot in the North-East region, working with 30 local authorities, to build their capability to consider and implement security in the delivery of their current policy, functions and services, by building a 'security mindedness' culture within the local authority and across its departments.

The pilot specifically saw the introduction of self-assessment through a maturity matrix; and the delivery of on-going governance structures and specialist counter terrorism knowledge.

Pilot findings

Following the pilot, an academic evaluation was undertaken. Generally positive, with the highlights being:

- 83.3% of respondents reported that they are more capable in working on Protect and Prepare and 77.7% feel that their local authority as a whole is too.
- 88.9% of respondents feel more confident in working on Protect and Prepare and the same percentage feel that their local authority as a whole is too.
- 72.3% of respondents have seen increases to their capacity to deal with issues relating to Protect and Prepare and 77.8% feel that their local authority as a whole has too.
- 83.4% of respondents were satisfied with the support that they received from their CTSA.
- 66.7% of respondents believe that they have been able to embed Protect and Prepare within their local authority.
- 84.6% of those that have Protect and Prepare Groups believe that these will continue to meet after the pilot ends and 58.8% feel that they are likely to continue using the Maturity Matrix.
- 100% of respondents having accessed or used the ProtectUK website as part of the pilot.

Next steps

Using the academic evaluation and learning from the pilot, HSG will provide an updated policy position for Zones in conjunction with NaCTSO as the operational delivery leads. This will consider:

- Zones as a term and concept
- Zones definitions
- Guidance
- Resource