

CEREDIGION COUNTY COUNCIL

Report to: Licensing Committee (Non-Statutory Committee)

Date of meeting: 16 March 2023

Title: Report on Martyn's Law – Protect Duty

Purpose of the report: For information

Background

In December 2022, the Government announced details for the Protect Duty, now known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.

There have been 14 terror attacks in the UK since 2017. These tragic attacks have caused deaths and casualties amongst people going about their everyday lives. A number of the attacks have been either committed in licensed premises or directed at members of the public enjoying themselves in the night-time economy, e.g. the London Bridge & Borough Market terror attack in 2017.

It is necessary to better consider the security and ensure robust, proportionate, and consistent measures at public places to make sure that public safety is improved we can better prepare and improve public security, in light of possible future attacks. The legislation is being brought in to ensure that counter terrorism security efforts do not fall behind other legally requires activities. It is stated that the prioritisation, consideration and application of security processes and measures is currently inconsistent.

What will Martyn's Law do?

The intention of Martyn's Law is to keep people safe, enhance our national security and reduce the risk to the public from terrorism by the protection of public venues.

It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

Which Premises/Locations will be included?

There are three main areas it will potentially apply to:

- Public venues (e.g. entertainment and sports venues, tourist attractions, shopping centres with a capacity of 100 persons or more),
- Large organisations (e.g. retail or entertainment chains employing 250 staff or more that operate at publicly accessible locations),

- Public spaces (e.g. public parks, beaches, thoroughfares, bridges, town/city squares and pedestrianised areas). This includes event organisers using these spaces.

It is expected that when the new legislation comes into force, it will apply to anyone responsible for publicly accessible locations used for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, Places of Worship, health, and education.

It is proposed that the Duty will apply to eligible locations which are either: a building (including collections of buildings used for the same purposes, e.g., a campus); or location/event (including a temporary event) that has a defined boundary, allowing capacity to be known.

There will be some limited exclusions and exemptions from the Duty. This includes locations where transport security regulations already apply; and those that are vacant over a reasonable period or are permanently closed. Those with a large floor space and low occupancy in practice (e.g., warehouses and storage facilities) as well as offices and private residential locations, will not be in scope.

How will it work?

The legislation when enacted will impose a duty on the owners and operators of certain locations to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there.

The aim is to ensure staff are better prepared to respond quickly to evolving situations, aware of what processes they should follow, able to make rapid decisions and carry out actions that will save lives. This could be as simple as locking doors to delay attackers progress and access whilst guiding staff and customers to alternative exits. It could also enable lifesaving treatment to be administered by staff whilst awaiting the arrival of emergency services.

Proportionality is a fundamental consideration for this legislation. It will therefore establish a tiered model, linked to the activity that takes place at a location and its capacity:

- **A standard tier** will drive good preparedness outcomes. Duty holders will be required to undertake simple yet effective activities to improve protective security and preparedness. This will apply to qualifying locations with a maximum capacity of over 100. This could include larger retail stores, bars, or restaurants.

The government has indicated that publicly accessible locations with a capacity of more than one hundred people will need to undertake simple yet effective activities to improve protective security and preparedness. Those activities will include completing free training, raising awareness and cascading information to staff. As well as completing a preparedness plan.

Government intended for places of worship to receive bespoke treatment under the duty, in reflection of the existing range of mitigation activities delivered and funded by Government to reduce their vulnerability to terrorism and hate crime. All places of worship will be placed within the standard tier of the Duty regardless of their capacity, barring a small cohort across all faiths that charge tourists for entry and/or hire out the site for large commercial events.

- **An enhanced tier** will see additional requirements placed on high-capacity locations in recognition of the potential catastrophic consequences of a successful attack. This will apply to locations with a capacity of over 800 people at any time. This could include live music venues, theatres, and department stores.

Such publicly accessible locations will also be required to produce a risk assessment and security plan, considered to a 'reasonably practicable' standard. This will allow Duty holders to assess the balance of risk reduction against the time, money and effort required to achieve a successful level of security preparedness - a recognised standard in other regulatory regimes (including Fire and Health and Safety).

What about locations run by volunteers?

Charities, community groups and social enterprises own and operate a broad range of locations (museums, national trust sites, sizeable public venues e.g., the royal opera house and national theatre). Some organisations also hire out premises to others for various purposes. As most locations owned or operated by charitable organisations, community groups and social enterprises will likely fall below the 800+ capacity threshold, Government considers the requirements to be proportionate.

Will this affect accessibility?

Duty requirements will vary but would for many include changes to security systems and processes, and how staff are trained. As such, many changes the Duty will drive are likely to be 'behind the scenes' that the public would not notice. In some instances, physical security features might however be obvious to the public, but they should never compromise accessibility.

How will Martyn's Law be enforced?

To support the law, the Government has indicated it will establish an inspection and enforcement regime, promoting compliance and positive cultural change and issuing credible and fair sanctions. It is uncertain, what duties will be placed upon the Licensing Team and/or other regulatory services until the draft legislation is published later this year. The Licensing team is of course expecting to receive an increase in the number of enquiries from licensed premises seeking advice and guidance once further details are released by the government.

Recommendation(s):

Members receive this report for information.

Reason for recommendation

To advise elected Members of Martyn's Law and the duty it will have on qualifying licence holders and event organisers, and the anticipated impact it may have on the Authority's Licensing Service.

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| Policy Framework: | The statutory functions delivered by the Licensing Team is a fundamental element of Public Protection policy framework. |
| Corporate Priorities | Boosting the Economy, Supporting Businesses and Enabling Employment |
| Finance and procurement implications: | Within budget |
| Service Area | Policy, Performance and Public Protection |
| Statutory Powers: | Licensing Act 2003, Gambling Act 2005 and any Regulations made under the Acts. |
| Background Papers | None |
| Corporate Lead Officer: | Alun Williams (Policy & Performance) |
| Reporting Officer: | Anne-Louise Davies (Trading Standards & Licensing Manager) & Gareth Rees (Senior Licensing Officer) |
| Date: | 22 February 2023 |