



## MEETING PAPER

Subject: Considering the impact of Martyn's Law  
Meeting: Community Safety Committee  
Date: 20 November 2024  
Officer: Town Clerk

NOT CONFIDENTIAL

### 1. Introduction

1.1 The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, was introduced to Parliament on 12 September 2024 and is currently undergoing Parliamentary scrutiny. The Bill is designed to deliver the Government's manifesto commitment to 'bring in Martyn's Law to strengthen the security of public events and venues'. The campaigning of Figen Murray, mother of Martyn Hett, who was killed in the Manchester Arena attack, has been crucial in driving this Bill forward.

1.2 Ahead of any change in law in relation to buildings (and buildings with land), Council will wish to consider the likely impact of the Bill and review its risk management for owned and tenanted properties focussed on public enjoyment, the planned use of the Town Hall in 2026, and consider the wider spotlight that falls on events and recreation on open spaces. Any review of LTC's safety/security risk management should take account of:

- LTC's commitment to providing a significant number of well-attended and inclusive public events;
- LTC's commitment to improving its portfolio of assets for public enjoyment;
- LTC's commitment to creating a reasonable balance between the moral and legal necessity for enhanced security/safety arrangements and ensuring its buildings and public spaces remain welcoming and inclusive places;
- The value of reviewing and extending security/safety considerations beyond the anticipated legal requirements e.g. to include events wholly within open spaces;
- The need for the public to be informed about security/safety measures;
- The interplay between LTC as landowner/landlord and any tenants/third party event organisers;
- The need to individualise risk management given the diversity of assets and events;
- The application of any relevant planning/licensing/other controls/laws;
- The need to consult and align with relevant specialist advisors and authorities such as the Police, District Council and Safety Advisory Group;
- The value of considering preventative and responsive measures (such as evacuation and invacuation) at design and development stages as well as throughout the life of the asset; and
- The need for clarity about Committee oversight and officer responsibilities for security/safety.

### 2. Details

2.1 The Terrorism (Protection of Premises) Bill (Martyn's Law) has been developed to help address the complex and evolving domestic terror attacks and threats in the UK. While people might immediately think of major events at iconic venues as the potential targets, in reality, terrorists are choosing to attack a broad

range of locations. Hence, the Bill requires a range of premises to be better prepared and ready to respond in the event of a terrorist attack.

2.2 Those responsible for premises and events must take steps to mitigate the impact of a terrorist attack and reduce harm in the event of a terrorist attack occurring. It is feared that, in the absence of legislative requirements, traditional Health and Safety concerns will continue to be prioritised and will not include reducing harm and loss of life from terrorism.

2.3 The Bill sets out reasonably practicable and proportionate actions to mitigate the impact of a terrorist attack and reduce physical harm. In summary the Bill includes the following:

- Mandating, for the first time, who is responsible for considering the risk from terrorism and how they would respond to a terrorist attack at certain premises and events;
- Dedicated guidance and support for duty holders to ensure that those in scope have the required information on what to do and how best to do it. The idea is that guidance will be easy to follow, needing no particular expertise;
- Establishing a regulator (likely to be a new function of the Security Industry Authority (SIA)). as part of the enforcement regime, to support, advise and guide those responsible for premises and events in meeting the requirements of this legislation; and
- Establishing a tiered approach, linked to the activity that takes place at premises or an event and the number of individuals it is reasonable to expect may be present on the premises at the same time. Certain larger premises and events must also take steps to reduce the vulnerability of the premises to terrorist attacks.

2.4 **'Premises'** within scope of the Bill is a building (a building includes part of a building or a group of buildings); or a building and other land; wholly or mainly used for one of more qualifying activity; and which meets the thresholds for individuals present at a premises.

2.5 **'Events'** within scope of the Bill are those taking place in premises which host at least 800 attendees at the same time, meet the 'express permission' criteria (in scope open spaces subject to ticket, membership or invitation etc., with or without payment), and are accessible to members of the public.

2.6 **The 'responsible person'** must ensure the requirements are met for a qualifying premises or event. Whilst this person may be an individual, in many cases it will be an organisation. The identity of the responsible person will differ depending on whether they are responsible for a premises or an event. For a premises, the responsible person is the person who has control of the premises (for specified Schedule 1 uses). For an event, the responsible person is the person who has control of the premises at which the event is taking place in connection with their use for that event.

2.7 **Tiers of duty** There are two tiers of duty: Standard and Enhanced. There are different requirements in an attempt to strike the right balance between proportionality for different premises and events against ensuring appropriate security has been considered and taken forward.

2.8 **Standard** Persons responsible for a standard duty premises (a qualifying premises where it is reasonable to expect that between 200 (\*see below) and 799 individuals may be present at the same time), will be required to:

- Notify the regulator of their premises; and
- Put in place appropriate and reasonably practicable public protection procedures (as set out in the Bill). These procedures are to be followed by people working at the premises in the event of an act of terrorism there or in the immediate vicinity. The procedures are to improve staff preparedness and responses and so reduce the risk of physical harm being caused to individuals and include providing information to individuals on the premises and premises evacuation, invacuation and lockdown.

There is no requirement to put in place physical measures in this tier. The ‘reasonably practicable’ element enables standard duty premises to tailor their approach to the resources they have available and it is anticipated that costs will be limited and mainly arise from administration and training.

**2.9 Enhanced duty premises and qualifying events** These are where it is reasonable to expect that 800 or more individuals may be present on the premises or attending the event at the same time. In addition to the same procedures as standard duty premises, persons responsible for enhanced duty premises and qualifying events will be required to:

- Notify the regulator of their premises/event;
- Put in place appropriate and reasonably practicable public protection measures that could be expected to reduce both (i) the vulnerability of the premises or event to an act of terrorism occurring at the location, and (ii) the risk of physical harm being caused to individuals if an attack were to occur there or nearby. For example, an enhanced duty premises will be required, insofar as reasonably practicable, to implement measures relating to the monitoring of the premises and their immediate vicinity;
- Document the public protection procedures and measures in place, or proposed to put in place, and provide this document to the regulator. This document should include an assessment as to how those procedures and measures may be expected to reduce, so far as is reasonably practicable, vulnerability and risk of harm; and
- Where the responsible person for an enhanced duty premises or qualifying event is not an individual, they must appoint an individual as a designated senior individual with responsibility for ensuring that the relevant requirements are met.

**2.10 Relevant date and impacts** There is likely to be at least 24 months after Royal Assent for this legislation to come into force; this will allow time for the set-up of the regulator and for those responsible for premises and events in scope to understand their new obligations, and to plan and prepare. The legislation is designed to be proportionate (certainly compared to the impact of not dealing with a terrorist attack when unprepared) and expects organisations to take appropriate, reasonably practicable actions to protect staff and the public from the horrific impacts and effects of terrorism.

2.11 For smaller venues, the legislation focuses on having appropriate procedures in place in the event of an attack. For enhanced tier premises and events requirements are based on reasonably practicable public protection procedures and measures. Regardless of whether premises and/or events fall within scope of the legislation, Council will wish to review and implement best practice security and safety arrangements.

2.12 There is an officer summary of the recent Hansard first and second sitting of the Committee Stage of the Bill (see Appendix) which highlights concerns, such as the need to clarify the responsibilities between the landowner and event organiser, and whether the lower threshold should be 100 or 200 people for the standard duty (\*see above).

### **3. Recommendations**

3.1 That this Committee recommends to Events and Communications Committee and Full Council that:

- Council welcomes the Bill and confirms its commitment to optimising its risk management of public security/safety for moral, legal and practical reasons, even where the operation might fall outside of scope;
- Council continues to monitor the progress and likely impacts of the Bill, reviews any emerging guidance and liaises with partners as appropriate on the introduction of reasonable measures; and
- Council reviews its existing public security/safety measurement at premises and events (ahead and subsequent to the legislation coming into force), including how it interacts with tenants, event organisers/venue hirers and considers implementing enhanced procedures with defined responsibilities (recognising that there will be some cost implications).
- Council confirms that the Community Safety Committee is the lead Committee for this purpose and will liaise with other committees as necessary.

## Appendix

Officer summary from Hansard: Terrorism (Protection of Premises) Bill (First Sitting) Tuesday 29 October 2024

[Terrorism \(Protection of Premises\) Bill \(First sitting - Hansard - UK Parliament\)](#)

[Terrorism \(Protection of Premises\) Bill \(Second sitting - Hansard - UK Parliament\)](#)

### First sitting

Public Bill Committee noted general agreement about the merits of the Bill at Second Reading.

#### **Mother of Martyn Hett and Brendon Cox from Survivors Against Terror gave evidence**

Concerns raised about proposing to raise the capacity threshold of application from 100 to 200 as this would exclude many venues and did not make sense compared to the costs incurred when terror incidents occur. Concerns included attacks on LGBT community, immigrants and political leaders.

Noted there are already civil liabilities including and responsibilities on volunteers and Martyn's law would expand this but help people to know that they are discharging their responsibilities properly. At the *standard tier* this includes knowing how to evacuate, evacuate or communicate with other. Noted that churches and schools are targets and already have and/or need controls to protect their liberty.

#### **Committee concerns/comments**

Small restaurants and theatres would not be caught if leave threshold at 100, leaving them vulnerable. The level of training does not include life-saving at standard tier, although Action Counters Terrorism (ACT) training has been recommended.

Some businesses are volunteering to participate ahead of Martyn's Law (in training etc.,) even though they are not caught by the scope. ACT training is the most onerous aspect for voluntary compliance, but this is simply 45 minute, free-of-charge e-learning which incurred employers with one hour of staff wages but gave benefits of security.

#### **Andy Burnham, Mayor of Greater Manchester, gave evidence**

The nature of terrorism has changed and Martyn's Law is a proportionate response. Venues with a capacity down to 100 should be covered; they are just as likely to have incidents as larger venues, have fewer resources for incidents so more need to be within scope, and they could become targets if left outside scope. Evacuation training is helpful for a broad range of incidents and what is the harm to business if training is mandatory but free-of-charge to them.

The role of the fire service needs greater clarity and the wider night-time economy should be covered in legislation and guidance to local authorities e.g. spiking of drinks, unacceptable treatment of women and girls and preventing out-of-area taxis from operating.

#### **Helen Ball, Town Clerk Shrewsbury Town Council & Chair of Society of Local Council Clerks, and Keith Stevens, Chair of National Association of Local Councils, gave evidence**

Many local councils welcome the raising of the threshold to 200 as more proportionate. However, they are security-conscious, supportive of Martyn's Law, should have a culture of terrorism awareness, and are receptive to change.

The evacuation and lockdown procedures are difficult to implement when you are dealing with small venues which are one room with one entrance/exit.

A life is not less important in a building of 199 as opposed to 200 people. Clerks are resourceful and have always had Health and Safety responsibilities and this is just a different vein but sector-specific guidance would be welcomed.

Clarity is needed on who has the responsibility if event organisers fail to comply with a rule on local council land. Even now not have to consider stringent premises licence conditions which include event and security plans and communication with emergency services and planners. Legislation adds strength to the controls local councils put on event organisers.

The Code of Conduct puts off councillors from standing for office not new regulations which should make people safer. Noted that some village halls are run by charitable management committees and local councils could cascade information to them and the costs (Clerk's salary) for review and training requirements would increase for local councils.

#### **Heath Walker (Chief Operating Officer) and Alex Beard (CEO) at the Royal Ballet and Opera, and Stuart Beeby, group operations director for ATG Entertainment, gave evidence**

This is day-to-day risk management given they are on the crowded places register or multi-site operators, so codifying the rules makes sense as long as it is not too formulaic (vary depending on venue capacity), there are seamless obligations on those involved and there is sufficient resource.

Risk assessments are not a concern for them and will vary depending on the venue/event but they the public might have safety concerns as mitigation measures would differ from place to place. If there is not a uniform understanding and application of 'reasonably practicable' measures and deterrents, it might lead to risks for those who apply lesser measures and become targets.

The Security Industry Authority (SIA) needs the resource and expertise necessary to increase its responsibilities as a regulator to include not just its traditional private security sector but also live entertainment. Clarity is needed on how the SIA will handle external planning and planning applications (e.g. to ensure Hostile Vehicle Mitigation) as venues have little control over the nearby external spaces from which attack sometimes comes and yet planners often refuse controls on the basis of cost and pedestrian area aesthetics.

Health and Safety is a moral and commercial obligations. It is difficult to apply subjective reasonable practicableness as, for example, some might feel bag searches are fine but security arches are not in theatre and social spaces. Counter Terrorism Security Advisor advice is important.

Costs, including for independent local authority run theatres, are a great concern, owing to the 'perfect storm' of national living wage, energy and production costs. Balancing customer experience and security is an ongoing problem so clarity and being outcome-based rather than formulaic is important. Especially in regional theatre with matinees, the 45-plus age audience with disposable income, is receptive to safety concerns.

## **Second sitting**

### **Matt Jukes, Met Police Assistant Commissioner for specialist operations**

Noted changed terrorism environment and highlighted the recent increase in low sophistication actors who are self-initiated; Despite being 'lone wolves' they are often connected to small groups of individuals online and inspired by terrorist rhetoric. The three main groups of terrorist are:

1. Those inspired or connected to Islamist extremist terrorist organisations
2. Right-wing terrorists
3. Increasingly, individuals with unclear/mixed ideology who are inspired by online material

As terrorism is now harder to spot and stop, essential that venues are prepared and protected, and Martyn's Law is 'proportionate, and highly likely to be effective' and for the majority of premises will involve low or no-cost interventions.

Noted that these measures do not cover public spaces in open areas but if trauma kits were more readily accessible in adjacent premises (owing to this legislation), and the public were more ready to play their part, that might help.

There is a danger that better-protected premises under this legislation might mean some displacement of terrorism to other targets. Some targets might change and others will endure e.g. places of worship, and the Bill should create an overall more vigilant and prepared society.

The threshold should remain 100, as this captures iconic sites which might be targeted, where each premises has a relatively low headcount but cumulatively they are a crowded space.

Regulatory control should focus on raising standards and compliance by shared practice rather than enforcement (albeit that this is an essential backstop). The SIA is well-placed for this and there is valuable sector-specific support (e.g. from the Counter Terrorism Business Information Exchange (CTBIE))

### **Neil Sharpley, Chair of Federation of Small Businesses, Mike Pearce, Director of Security for Land Securities and Chair of CTBIE, John Frost, Deputy Chair of CTBIE, head of business continuity and safety for Marks & Spencer, and Retailers Business Continuity Association lead, gave evidence**

Clarity is needed about the role of local authorities given that many open public spaces are surrounded by many smaller businesses which might be outside of scope but at risk. Potentially an obligation to risk assess open spaces and embark on training for smaller businesses.

CTBIE sits within Counter Terrorism policing and has introduced concepts such as 'run, hide, tell' to the public and can grow its role.

Small businesses that fall within the *enhanced tier* might suffer financially. Measures and regulation should be flexible with clear guidance. Smaller premises of 100 plus are vulnerable and should have obligations. Given that there are free products, the lack of obligatory training in the standard tier, should be considered.

### **Cameron Yorston, Director, and Max Nicholls, Policy Manager, at the Sport and Recreation Alliance, gave evidence**

Welcome the flexibility on thresholds limiting those in enhanced tier so not just on footprint but take account of historic attendance and other measures that may impact numbers on site. The introduction of the 'reasonably practicable' concept is welcome but needs guidance.

Volunteer recruitment, especially post-covid, is challenging, and there should not be prohibitive burdens on volunteers, as fewer volunteers means a reduction in sport and recreational activity.

Flexibility is needed so that standard tier is applied to appropriate venues except where they have an enhanced tier level event.

**Kate Nicholls, CEO at UK Hospitality and Mike Kill, CEO at Night Time Industries Association, gave evidence**

High staff turnover increases cost for training. Staffing levels required under the tiers might increase costs alongside national living wage costs. Regulatory penalties under the Licensing Act and Martyn's law are high and fines are very high particularly for globally-based businesses. They would welcome greater scaling and flexibility and the ability to trade pending appeal.

**Jeremy Leggett, Policy Adviser for Action with Communities in Rural England, gave evidence**

Welcome threshold being increased to 200. Often full village hall capacity is not used, volunteers are relied on, and the trustees are seldom on site during the hire and yet they would have been held individually liable (where not limited companies). The consultation with village halls was based on the threshold being 100. There needs to be clarity about the relationship between land owners and event managers. At an event in a village hall, the people who have been trained might not be the same as those running an event. Question over whether we would end up saying in hire T&Cs, that hire is subject to the hirer having done the preparedness training.

**John Collins, CEO of LIVE (live music industry) and Melvin Benn, managing director of Festival Republic on behalf of Concert Promoters Association, gave evidence**

Need to align the premises licence (fully developed with safety advisory group sessions etc) and any new legal requirements, especially as there is no requirement for an inspector under the latter regime to be reasonably practicable and maybe there should be a requirement that the inspectorate cannot conflict with a licence condition. The conflict arises outside of venues, owing to the new legislation apply to responsibilities in 'the vicinity' (not clearly defined) e.g. a license condition might be to search all on entry but the counter-terrorism requirement might be to get everyone inside as soon as possible to prevent queues outside. The venue has no legal right to affect what people do in public spaces.

Many music venues are below 200 and potentially the threshold should be 300 as they are already controlled by licensing anyway. The legislation could be incorporated into existed operating practices under the licensing regime instead. The cost implications are unclear as the categories are so broad e.g. enhanced tier is from 800 venues to 200,000+ capacity festivals. The legislation ought to reflect different categories and premises licensing requirements from 500 upwards where there are extra requirements such as safety advisory group and local authority committee consideration. It might be costly for a 150 capacity venue to check all bags and also there is a need to prevent queues.

There should not be a right of an inspector to impose new condition when counterterrorism safety and security has already been considered under the Licensing Act, without appeal on a balance of probabilities being available.

**Gary Stephen, the Association of University Chief Security Officers executive group and Chair of CONTEST, gave evidence**

The SIA is a reasonable option for managing enforcement.

Most universities will fall within the enhanced tier with public protection measures. CONTEST has been created as a group to share good practice among member universities. There needs to clarity between premises owner and event organiser about over who is responsible for what. Seems to them that the organisation is responsible for the premises and a person for the event, which is fine. They welcome the threshold being 100+ as this would mean more venues prepared to deal with incidents.

**Debbie Bartlett, Deputy Director Protect in the Home Office Homeland Security Group, gave evidence**

It seems proportionate and appropriate, taking account of consultation responses, to:

1. Move the threshold to 200 to help village halls and voluntary organisations;
2. Have a regime which is primarily civil sanctions (but with some enforcement and sanctions so the system has teeth but is flexible too);
3. Set £10,000 as the maximum fine for standard tier;
4. Set £18 million or 5% of worldwide revenue as the maximum fine for the enhanced tier;
5. Have flexibility in sanctions which take account of the ability to pay;

6. Have an implementation period from Royal Assent, of at least 24 months so businesses have time to prepare;
7. Treat places of worship differently so that all over 200 limit (even over 800) will be treated as standard tier only;
8. Venues will need to consider the greatest number of people reasonably 'expected' in order to work out whether they are within scope;
9. Venues can decide to sell under 200 tickets to avoid being within scope;
10. The offence of failing to comply with a compliance notice will only apply to enhanced-duty premises who have greater duties; and
11. Extend the remit of the SIA, with ministerial oversight, rather than create a new regulator and there will be much work to ensure that the regulatory regimes are complementary and do not conflict.