



Licensing Committee

Date: Monday, 4 March 2024

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Committee

Councillors - Grimshaw (Chair), Connolly (Deputy Chair), Andrews, Evans, Flanagan, Hewitson, Hilal, Hughes, T Judge, Ludford, Reid and Riasat

Agenda

- 1. Urgent business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 8
To approve as a correct record the minutes of the meeting held on 13 November 2023.
- 5. Government consultation on age verification and remote sales in connection with alcohol** 9 - 32
The report of the Director of Planning, Building Control & Licensing is enclosed.
- 6. Government consultation on proposed amendments to the Terrorism (Protection of Premises) Bill: standard tier** 33 - 106
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Committee fulfils the functions of the Licensing Authority in relation to the licensing of premises for the sale or supply of alcohol, the provision of regulated entertainment, and the provision of late-night refreshment (hot food or hot drink provided at any time between 11pm and 5am) and in relation to the Gambling Act.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved, these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney CBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Callum Jones
Tel: 0161 234 4940
Email: callum.jones@manchester.gov.uk

This agenda was issued on **Friday, 23 February 2024** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

This page is intentionally left blank

Licensing Committee

Minutes of the meeting held on Monday, 13 November 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Connolly, Andrews, Evans, Flanagan, Hewitson, Hughes, Judge, Riasat and Reid

Apologies: Councillors Ludford and Hilal

LC/23/04 Minutes

Decision

To approve the minutes of the meeting held on 23 October 2023 as a correct record.

LC/23/05 Statement of Licensing Policy 2023-2028

The Committee considered the report of the Director of Planning, Building Control and Licensing, which presented proposed revisions of the Statement of Licensing Policy under the Licensing Act 2003. This followed consideration of the matter at the previous Licensing Committee on 23 October 2023 and at Licensing Policy Committee on 31 October 2023.

On 10 March 2023, the Licensing Policy Committee received a report presenting the draft revised Statement of Licensing Policy and requested officers to consult upon it. Officers consulted with statutory consultees and arranged for an 8-week public consultation which took place from 31 May to 26 July.

On 23 October 2023, the Licensing Committee received a report presenting the findings of the public consultation and the changes proposed as a result. On 31 October 2023, the Licensing Policy Committee considered the recommendation of the Licensing Committee and referred the matter back to this Committee.

The draft policy is updated to include the proposed area plans and copies of these are provided at Appendix 1. Subject to any further required amendments and subsequent approval of the Licensing Policy Committee at the scheduled meeting on 20 November 2023, it was intended to present the policy to the Council on 29 November 2023 to approve the publication of this policy.

It was noted that all areas could be kept under review and this policy would not rule out special policies for areas that do not currently have one.

The Committee were provided with two options; Option 1 was to retain Section 6 with the addition of the area boundary maps for Fallowfield and Withington Special Policies, and Option 2 revised Section 6 to remove any 'Special Policy' and to put the revised policy back out to public consultation.

The Chair invited the Committee to comment on the proposed Licensing Policy.

A member queried how many responses had been received to the public consultation from Fallowfield and Withington. 41 responses were received in total, but the Principal Licensing Officer was unsure how many were received from each area. They believed that over 80% were from Fallowfield and Withington, with the rest from City Centre residents.

A member queried why any area should have a special policy when others do not, noting their belief that all areas experience problems. It was stated that area profiles were based on clusters of Licensed Premises. It was recognised that all areas do have challenges but that some are more significant than others. A continued analysis of data would allow the Licensing Unit to continuously review the policy.

A member asked how an area that had not yet been developed had a special policy and if the names of special policies could be more specific to the area they are for. It was noted that this was due to experience of similar areas and members can raise issues for other areas. The policy could be reviewed at any point if appropriate to do so. The Principal Licensing Officer was supportive of more specific titles for special policy areas.

A member wondered how many Licensed Premises an area would require for a special policy to be implemented, whilst concerns were also raised regarding the 'patchwork' nature of special policies across the City. It was noted that placing a special policy in an area was not an exact science and that various things went into it, including the number of alcohol related issues, not just the number of Licensed Premises. It was accepted that the 'patchwork' nature could become a limitation if the number of special policy areas becomes too many.

The Licensing Unit manager noted that it was a challenge to keep up with the development of the City and that the policy had been worked on for a long time. They accepted that other areas had their own issues, but the evidence gathered from various teams across the Council, GMP and others had informed the need for special policy areas. The Licensing Unit manager did believe that the issues experienced in Fallowfield and Withington were different to those in other areas. They noted additional guidance could be provided for other areas.

A member queried the process for an area becoming a special policy area. The Committee's legal adviser stated that the policy would continually be under review and could be amended at any time. Any substantial change to the policy, such as creating a new special policy area, would require public consultation but the rest of the policy would remain live during that time.

Decision

To recommend to the Licensing Policy Committee the following:

1. To retain Section 6 with the addition of the area boundary maps for Fallowfield and Withington Special Policies.
2. To amend the names of the special policy areas to be more specific to the area rather than the ward.

3. Delegating to the Chair and Director of Planning, Building Control and Licensing to look into the possibility of annual reviews with ward members and officers to see if there is a need to add or remove any special policy areas.

This page is intentionally left blank

Manchester City Council Report for Resolution

Report to: Licensing Committee – 4 March 2024

Subject: Government consultation on age verification and remote sales in connection with alcohol

Report of: Director of Planning, Building Control & Licensing

Summary

This report is to advise the Committee of the UK government's consultation on whether to allow digital identities and technology to play a role in age verification for alcohol sales and whether for sales of alcohol that do not take place face to face, age verification should take place at the point of delivery as well as sale. The consultation also considers whether the Licensing Act 2003 adequately covers transactions that do not take place face-to-face (remote sales).

Recommendations

The Committee is recommended to:

- review the consultation proposals and provide officers with any views they would like reflecting in a formal response.

Wards Affected: All

Environmental Impact Assessment -the impact of the issues addressed in this report on achieving the zero-carbon target for the city	The increased use of digital identification would reduce the need for paper-based or plastic identification documents.
Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments	<i>The proposals may impact on the Age characteristic given the subject is age verification.</i>
Manchester Strategy outcomes	Summary of how this report aligns to the Our Manchester Strategy/Contribution to the Strategy

A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The proposals have the potential to improve accessibility and availability to age-restricted services requiring identity verification.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	The proposals will impact on the controls associated with restricting underage access to alcohol.
A connected city: world class infrastructure and connectivity to drive growth	The report considers the increasing use of digital identities as well as age estimation technology.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Danielle Doyle
Position: Licensing Unit Manager
Telephone: 0161 234 4962
E-mail: danielle.doyle@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: fraser.swift@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

- [Licensing Act 2003](#)
- [Revised Guidance issued under section 182 of the Licensing Act 2003, December 2023](#)

1.0 Introduction

- 1.1 The government is consulting on whether to allow digital identities and technology to play a role in age verification for alcohol sales, as well as whether to amend legislation to specify that for sales of alcohol that do not take place face to face, age verification should take place at the point of delivery as well as at the point of sale.
- 1.2 The consultation is open for eight weeks, from 04/02/2024 until 30/03/2024 and is aimed at the hospitality sector, local licensing authorities, the police, licensed premises, members of the public, technology companies which operate in this area, and other interested parties in England and Wales where these proposals would apply.

2.0 Background

- 2.1 The Licensing Act 2003 covers the retail sale and supply of alcohol. One of the licensing objectives that the Act seeks to uphold is the protection of children from harm, meaning that alcohol must not be sold to someone under 18. Currently, if anyone appears to be under 18, they need to produce identification which bears their photograph, date of birth and either a holographic mark or ultraviolet feature.
- 2.2 In practice this means that currently only physical identity documents are permitted, but as the use of digital identities is becoming more widespread there is an increasing disparity between what existing licensing legislation allows and the forms of identity that people wish to use.
- 2.3 Also, the Act currently only sets out a requirement to verify age at the point of sale or appropriation to a contract, not at the point of delivery. However, the way in which people purchase alcohol has changed, with sales increasingly being made online, as well as in many other settings which do not initially involve face-to-face contact - for example supermarket self-checkout tills and self-scanners, and table service at restaurants.

3.0 Main issues

- 3.1 Technology, including age estimation technology, exists that could help to establish if an individual is of an age that allows them to legally purchase particular products. However, the current wording of the Act does not allow age assurance technology to play a part in the age verification process for alcohol sales. A person must make the decision whether an individual is old enough to purchase alcohol, using physical identification.
- 3.2 The government proposes that a framework of standards and governance will be created to enable the use of digital identity solutions, underpinned by legislation, to allow people to choose to prove their identity digitally as an alternative to using physical documents. Digital identities will not be compulsory but should be inclusive and accessible for all those who choose to use them.

3.3 The government has proposed six options. Options 1 to 3 relate to Digital Identities & Technology and options 4 to 6 relate to remote sales. Options 1 to 3 are to be considered separately from options 4 to 6.

3.4 Digital Identities & Technology

3.4.1 **Option 1** - Do nothing: only traditional identity documents which contain a holographic image or ultraviolet feature are acceptable for age verification for alcohol sales.

3.4.2 **Option 2** - Alongside traditional identity documents, also allow digital identities to be used for age verification for alcohol sales, and / or;

3.4.3 **Option 3** - Alongside traditional identity documents, also allow age estimation and other technology to be used for age verification for alcohol sales.

3.5 Remote Sales

3.5.1 **Option 4** - Do nothing. Age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract.

3.5.2 **Option 5** - Amend the Licensing Act so that age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and also at the point of delivery/service, or;

3.5.3 **Option 6** - Amend the Section 182 guidance which accompanies the Licensing Act to advise that age verification checks, checks to establish that an individual is not already intoxicated and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and should additionally take place at the point of the point of delivery/service.

4.0 Recommendations

4.1 The Committee is recommended to:

- review the consultation proposals and provide officers with any views they would like reflecting in a formal response

5.0 Appendices

5.1 The consultation document is attached as **Appendix 1**.

This page is intentionally left blank

Open consultation

Alcohol licensing: age verification

Updated 25 January 2024

Executive summary

The Licensing Act 2003 ('the Act') covers the retail sale and supply of alcohol in England and Wales. The Act requires Licensing Authorities to uphold the following four objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The fourth objective, which is the main focus of this consultation, means that alcohol must not be sold to someone under 18.

Digital identities and age assurance technology

Secondary legislation made under the Act specifies that if anyone appears to be under 18, in order to buy alcohol they need to produce identification which bears their photograph, date of birth and either a holographic mark or ultraviolet feature^[footnote 1]. In practice this means that currently only physical identity documents are permitted. As the use of digital identities^[footnote 2] is becoming increasingly widespread and more individuals look to prove things about themselves digitally, there is an increasing disparity between what existing licensing legislation allows and the forms of identity that people increasingly wish to use.

Technology, including age estimation technology, exists that could help to establish if an individual is of an age that allows them to legally purchase particular products. However, the current wording of the Act does not allow age assurance technology to play a part in the age verification process for alcohol sales. A person must make the decision whether an individual is old enough to purchase alcohol, using physical identification.

Discussions with stakeholders in the hospitality, retail and licensing sectors, as well as policing, suggest that there could be considerable support for the use of digital identities as well as technology to help to establish if an individual is old enough to purchase alcohol.

The government is also keen to enable the secure and appropriate use of new technologies that can improve the experience of consumers and retailers. We are therefore consulting on whether to amend the Act to allow individuals to utilise digital identities and age assurance technology to play a role in proving their age when

purchasing alcohol. We also ask for your views on a range of related points which set out how this could work in practice and how legislation may need to change.

The government is committed to enabling the widespread use of trusted digital identity solutions across the UK economy as a matter of personal choice. The Department for Science, Innovation and Technology (DSIT) is creating a framework of standards and governance, underpinned by legislation to provide this trust, so that people and businesses know what a good and secure digital identity looks like. This will allow people to choose to prove their identity digitally with ease and confidence, as an alternative to using the physical documents we are more familiar with. Digital identities will not be compulsory, but the government is working to ensure that digital identities are inclusive and accessible for all those who choose to use them.

Regulation of age-estimation and technology that could assist with age-verification is less developed. Any change to the Licensing Act which would allow its use in alcohol sales can only take place once suitable government approved national standards are in place.

There are a number of other important considerations. Liability for complying with licensing conditions, including age-verification, sits with the licence holder. Additional players could be involved, for example the providers of technology, if licence holders were able to use technology to help with that process. We do not propose that government should be prescriptive about liability and believe that this should be left to organisations to determine through contractual arrangements. Inclusion is another. Any use will need to comply with equalities legislation. Another consideration is privacy. Any use will need to comply with data protection legislation. The Data Protection Act 2018 sets out the data protection framework in the United Kingdom and the enforcement tools that the Information Commissioner can use to regulate organisations that process personal data. Government standards for digital identity service providers, set out in the trust framework, make clear that participants in the digital verification services ecosystem must comply with data protection legislation.

Remote Sales

We are also considering whether the Act adequately covers transactions that do not take place face-to-face. Since the Act came into effect in 2005, the way in which people purchase alcohol has changed, with sales increasingly being made online, as well as in many other settings which do not initially involve face-to-face contact - for example supermarket self-checkout tills and self-scanners, and table service at restaurants.

Currently the Act only sets out a requirement to verify age at the point of sale or appropriation to a contract (for example, the warehouse from which goods are picked and dispatched), not at the point of delivery. We are reviewing whether this is still right or whether there should be additional age checks at the point of delivery and / or service. We need to understand to what extent there may be a problem of alcohol being handed over to minors and / or to people who are already intoxicated.

We are aware of restrictions relating to the delivery of certain age-restricted products, specifically bladed articles. If retailers wish to dispatch them to a residential address, they need to enter into an agreement with a delivery company and that company must ensure that the package is not handed to a person who is under 18. It is also illegal to send bladed articles to a locker. We need to understand whether this model – or a similar model - should apply to alcohol sales.

We are therefore calling for evidence that will help us understand to what extent there may be a problem of alcohol being delivered to minors and / or people who are already intoxicated, as well as proxy sales whereby someone orders on behalf of an individual who is under 18. We would welcome the views and experience of all respondents and would be particularly interested to receive the findings of more formal evidence and research that has been carried out.

We are also consulting on whether to amend the Act, so that it is explicit about when age verification must take place, or whether this can be adequately covered in an amendment to the Section 182 guidance which accompanies the Act.

Introduction

This paper sets out for consultation whether to amend the Licensing Act so as to allow digital identities and age assurance technology to play a role in age verification for alcohol sales in England and Wales, and when age verification should take place when sales do not take place face-to-face.

The consultation and call for evidence are aimed at the hospitality sector, local licensing authorities, the police, licensed premises, members of the public, technology companies which operate in this area, and other interested parties in England and Wales where these proposals would apply.

An Impact Assessment is attached. A lack of quantitative data has prohibited the Home Office's ability to estimate the potential quantitative costs and benefits to businesses, charities or the voluntary sector. Instead, a narrative approach has been adopted to discuss potential costs and benefits. Comments on the Impact Assessment are very welcome.

Copies of the consultation paper are being sent to:

- Local Government Association
- National Association of Licensing Enforcement Officers
- Institute of Licensing
- National Police Chiefs' Council
- Association of Police and Crime Commissioners
- Office of the Information Commissioner
- Trading Standards

- Night Time Industries Association
- UK Hospitality
- British Beer and Pub Association
- Association of Convenience Stores
- Wine and Spirits Trade Association
- Alcohol Health Alliance
- Alcohol Change UK
- Institute of Alcohol Studies
- Drinkaware
- Portman Group
- Proof of Age Standards Scheme
- Community Alcohol Partnerships
- Residents associations

However, this list is not meant to be exhaustive or exclusive. Responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

We ask that you consider options 1 to 3, and separately consider options 4 to 6.

Digital Identities & Technology

Option 1

Do nothing: only traditional identity documents which contain a holographic image or ultraviolet feature are acceptable for age verification for alcohol sales.

Option 2

Alongside traditional identity documents, also allow digital identities to be used for age verification for alcohol sales. And / or

Option 3

Alongside traditional identity documents, also allow age estimation and other technology to be used for age verification for alcohol sales.

Remote Sales

Option 4

Do nothing. Age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract.

Option 5

Amend the Licensing Act so that age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and also at the point of delivery/service. Or

Option 6

Amend the Section 182 guidance which accompanies the Licensing Act to advise that age verification checks, checks to establish that an individual is not already intoxicated and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and should additionally take place at the point of the point of delivery/service.

Contact details and how to respond

Please send your response [online](#)

Alcohol team – age verification consultation
5th Floor, Fry Building
Home Office
2 Marsham Street
London
SW1P 4DF

Email: alcohollicensingconsultations@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Alternative format versions of this publication can be requested from alcohollicensingconsultations@homeoffice.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available online at GOV.UK.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A: [Questionnaire](#)

Digital identity / technology

The government is committed to enabling the widespread use of trusted digital identity solutions across the UK economy as a matter of personal choice. The Department for Science, Innovation and Technology (DSIT) is creating a framework of standards and governance, underpinned by legislation to provide this trust, so that people and businesses know what a good and secure digital identity looks like. This will allow people to choose to prove their identity digitally with ease and confidence, as an alternative to using the physical documents we are more familiar with. Digital identities will not be compulsory, but DSIT is working to ensure that digital identities are inclusive and accessible for all those who choose to use them. DSIT is taking a technology-neutral, standards-based approach that will support innovation in this new market. The Government has no plans to mandate the use of digital identities or a national ID card.

DSIT has published the UK digital identity and attributes trust framework^[footnote 3], which is a set of rules that digital identity providers can be certified against to show users that their services are trustworthy. The framework contains rules on privacy and data protection, fraud management, cyber and information security, and ensuring that products and services are inclusive. The trust framework will help organisations check identities and share attributes in a trusted and consistent way, so that a digital identity created for one purpose can be reused for another, when someone wishes to do so. The trust framework is not mandatory for organisations to follow. However, certification against the trust framework will provide evidence that organisations are meeting high standards and can be trusted. We are considering aligning any amendment to the Licensing Act to reflect current and future digital identity provisions.

Regulation of age-estimation and other technology that could assist with age-verification is less developed. Any change to the Licensing Act which would allow its use in alcohol sales can only take place once suitable government approved national standards are in place.

There are a number of other important considerations. Liability for complying with licensing conditions, including age-verification, sits with the licence holder. Additional players could be involved, for example the providers of technology, if licence holders were able to use technology to help with that process. We do not propose that government should be prescriptive about liability and believe that this should be left to organisations to determine through contractual arrangements. Inclusion is another. Any use will need to comply with equalities legislation. Another consideration is privacy. Any use will need to comply with data protection legislation. The Data Protection Act 2018 sets out the data protection framework in the United Kingdom and the enforcement tools that the Information Commissioner can use to regulate organisations that process personal data. The trust framework makes clear that participants in the digital verification services ecosystem must comply with data protection legislation and we are not proposing any additional measures.

Q1. Do you agree or disagree that the Licensing Act 2003 should be amended to allow customers wishing to purchase alcohol to present a digital identity certified against the UK digital identity and attributes trust framework when needing to confirm their age?

Agree Disagree Neither agree nor disagree

Q2. If you answered 'agree' to question 1, to help us understand the extent of interest in the use of digital identity, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

All settings

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q3. Do you agree or disagree that the Licensing Act 2003 should be amended so as to allow age estimation and other age assurance technology, certified against government-set standards, to assist with age verification?

Agree Disagree Neither agree nor disagree

Q4. If you answered 'agree' to Q3, to help us understand the extent of interest in the use of age assurance technology, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

All settings

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q5. Currently, age estimation technology exists whereby if the technology detects that an individual looks younger than the age threshold that has been set, the system flags that another person needs to verify the age of that individual. If allowed, what minimum age threshold do you think age estimation and other technology should be set at? Please tick one.

18

21

25

Should not be prescribed

Other age over 18 (please specify)

Q6. Do you agree or disagree that technology should only assist in age verification decision making? In other words, must a person always make the final decision for alcohol sales where technology suggests that an individual may be underage?

Agree Disagree Neither agree nor disagree

Q7. If digital identities and age assurance technology is used to assist with age verification for alcohol sales, what impact do you think this would have on licensing objectives? Please tick one box for each licensing objective.

Licensing objective	Positive impact	No impact	Negative impact	Don't know
Prevention of crime and disorder				
Public safety				
Prevention of public nuisance				
Protection of children from harm				

Q8. Do you agree or disagree that any provider of digital identity services used for age verification for alcohol sales should be certified against government standards contained within the UK digital identity and attributes trust framework?

Agree Disagree Neither agree nor disagree

Q9. Part 7 of the Licensing Act 2003 sets out licensing offences that are committed by a person in the context of alcohol sales. Which of the following best describes how you think responsibility for these offences should be defined in the Licensing Act if digital identities and other technology are allowed? Please tick one.

- Do not amend the Licensing Act, meaning that offences are committed by the licence holder. Any liability on the part of the technology provider (for example errors) would be covered via standard commercial contractual arrangements.
- Add clauses to the Licensing Act which place additional responsibility on the provider of faulty or inaccurate equipment or technology.
- Add clauses to the Licensing Act which require licence holders to be responsible for ensuring that equipment or technology is accurate and fully functioning.

Other (please specify)

Q10. If an individual works in a premises that allows digital identities alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree Disagree Neither agree nor disagree

Q11. If an individual works in a premises that allows age assurance technology alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree Disagree Neither agree nor disagree

Q12. Do you agree or disagree that there should be a requirement for licensing officers to receive training in digital identities?

Agree Disagree Neither agree nor disagree

Q13. Do you agree or disagree that there should be a requirement for licensing officers to receive training in age assurance technology?

Remote sales

To assist with answering questions about remote sales, please read the following extracts from the Licensing Act and its accompanying guidance.

The Licensing Act (Mandatory Licensing Conditions) (Amendment) Order 2014^{[footnote 41](#)} states:

3.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Section 151 of the Licensing Act further states^[footnote 5]:

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

(a) alcohol sold on the premises, or

(b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

(4) A person to whom subsection (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club.

(5) This subsection applies—

(a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and

(b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply.

(6) Subsections (1), (2) and (4) do not apply where—

(a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or

(b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or

(c) the alcohol is sold or supplied for consumption on the relevant premises.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Additionally, the Licensing Act states:

190- Location of sales^{[footnote 6](#)}

(1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.

(2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

And the accompanying explanatory notes^{[footnote 7](#)} state:

285. Where the place where a sale of alcohol takes place is different from the place from which the alcohol is supplied, the sale is treated as having happened at the place from which the alcohol is appropriated to the contract. For example, when alcohol is bought via mail order or a telephone call centre, the sale will, for the purposes of the Act, have taken place at the warehouse from which the alcohol would be delivered, and not the call centre. The requirement for a premises licence will therefore apply to the warehouse rather than the call centre.

Section 182 guidance states:

3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider

contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Q14. Do you agree or disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face? Please consider remote transactions (telephone and online) as well as other occasions when a person may not initially be directly involved in the transaction, for example at supermarket self-checkout tills, when a self-scanner is used and when ordering from your table at a pub or restaurant.

Agree Disagree Neither agree nor disagree

Q15. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face, what would be the best way to address this?

Amend the Licensing Act 2003

Amend the Section 182 guidance which accompanies the Act

Industry produced guidance

All of the above

Other

Q16. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face and agree that legislation and / or guidance should be amended, should this apply to all delivery models? Please tick all those to which you think this should apply.

Additional information

**Y N
e o
s**

All delivery models

Delivery takes place next day or later	Planned delivery using delivery drivers who are employed by the company which holds the alcohol licence.
Delivery takes place next day or later	Planned delivery using delivery drivers who are not employed by the company which holds the alcohol licence.
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. Business model is to sell and deliver alcohol via that app.
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. The app does not have an associated alcohol licence and the business model is delivery only.
Restaurants, pubs, bars and clubs offering direct order / delivery service	Driver is an employee of the licensed premises.
Restaurants, pubs, bars and clubs offering direct order / delivery service	Third party delivery driver.
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Driver is an employee of the licensed premises.
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Third party driver.
Dropship	E-commerce that does not have own stock and supplies via a third party.
Other – please specify	

Q17. Do you agree or disagree that the Licensing Act 2003 should be amended to specify that it is an offence to deliver to/serve alcohol to someone who is already intoxicated?

Agree Disagree Neither agree nor disagree

Q18. Do you agree that the provision of Primary Authority* would be beneficial to changes made to relevant sections of the Licensing Act?

Agree Disagree Neither agree nor disagree

*Primary Authority is a scheme for businesses to receive assured and tailored advice (known as Primary Authority advice) on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables businesses to invest with confidence in products, practices, and procedures, knowing that the resources they devote to compliance are well spent and it helps businesses get it right first time, driving up compliance.

The scheme is based on the formation of legal “primary authority” partnerships between businesses and individual local authorities and/or fire rescue authorities. It is used successfully across the majority of regulations where Trading Standards, Environmental Health and Fire & Rescue services have an enforcement role. It enables businesses to receive customised advice from the primary authority in relation to complying with legislation that is within scope of the scheme.

The scheme is governed by the Regulatory Enforcement and Sanctions Act 2008 (RESA) and provides greater regulatory consistency and certainty for businesses that operate across multiple local authority areas.

The primary authority scheme enables businesses to receive primary authority advice on provisions with the regulations which are enforced by local authorities and Fire & Rescue Services. It is one of the principal ways government makes regulation easier and simpler for businesses to understand and follow. It does this primarily by enabling assured advice to be provided through one local authority/FRS as a single point of contact. This reduces costs for businesses in complying with the law (as they can get it right first time) and encourages more consistent enforcement, as local enforcers must take account of any primary authority advice given to a business.

This model has been successful in other areas of regulation, with over 100,000 businesses signed up to primary authority partnerships and benefitting from assured advice since the scheme started in 2009.

Primary Authority is already in scope for certain aspects of age restricted products, including alcohol sales, which many businesses utilise and find beneficial. Extending the scope of the scheme could provide local authorities with the opportunity to provide further regulatory assistance within the alcohol sector, helping them to improve sector compliance, and build better relationships with businesses.

Q19. Please use the space provided below to tell us any comments you have on any matter covered in this consultation. If your submission is lengthy, please submit your answers to questions 1-18 via this form and email additional information and data to: alcohollicensingconsultations@homeoffice.gov.uk
About you

Full name (optional)

Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)

Company name/organisation (if applicable)

Address (optional)

Postcode

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

1. [The Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014](#) ↵
2. A digital identity is a digital representation of someone's identity information, including name and age, as well as biometric information on request. ↵
3. [UK digital identity and attributes trust framework beta version \(0.3\) - GOV.UK \(www.gov.uk\)](#) ↵
4. [The Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014 \(legislation.gov.uk\)](#) ↵
5. [Licensing Act 2003 \(legislation.gov.uk\)](#) ↵
6. [Licensing Act 2003 \(legislation.gov.uk\)](#) ↵
7. [Licensing Act 2003 - Explanatory Notes \(legislation.gov.uk\)](#) ↵

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Licensing Committee – 4 March 2024

Subject: Government consultation on proposed amendments to the Terrorism (Protection of Premises) Bill: standard tier

Report of: Director of Planning, Building Control & Licensing

Summary

This report is to advise the Committee of the UK government’s consultation on requirements proposed in relation to standard duty premises, referred to as the “standard tier”, under the Terrorism (Protection of Premises) Bill.

Recommendations

The Committee is recommended to review the consultation proposals and provide officers with any views they would like reflecting in a formal response.

Wards Affected: All

Environmental Impact Assessment -the impact of the issues addressed in this report on achieving the zero-carbon target for the city.	None
Equality, Diversity and Inclusion - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments.	Martyn’s Law has been subject to an impact assessment by the Home Office. The proposals in the consultation may impact on Disability, Pregnancy and Maternity, Sex and Age protected characteristics for businesses putting into place evacuation plans, which may cause potential challenges for these groups. It is anticipated that such risks would be mitigated through supporting guidance around considering accessibility measures.
Manchester Strategy outcomes	Summary of how this report aligns to the Our Manchester Strategy/Contribution to the Strategy

A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	There is an estimated cost to standard tier businesses. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	The consultation impacts on training requirements for employees in business/sectors subject to the proposed Standard Tier requirements.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	The report considers proposed amendments to safety and security provisions that would be required for public venues including retail, hospitality and nightlife, as well other non-licensed sectors.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Danielle Doyle
Position: Licensing Unit Manager
Telephone: 0161 234 4962
E-mail: danielle.doyle@manchester.gov.uk

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: fraser.swift@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

- [Terrorism \(Protection of Premises\) Bill - Standard Tier Government consultation](#)
- [Terrorism \(Protection of Premises\) Draft Bill](#), May 2023

1. Introduction

- 1.1. The Terrorism (Protection of Premises) Bill (popularly known as ‘Martyns Law’ after Martyn Hett, one of the victims of the 2017 terrorist attack on Manchester Arena) will require certain premises to take proportionate steps to increase their preparedness for, and protection from, a terrorist attack, depending on the size and nature of the activities that take place at the premises.
- 1.2. The Bill sets out different requirements for standard tier premises (those with a capacity of 100-799 individuals) and enhanced tier premises (those with a capacity of 800 individuals or more).
- 1.3. This consultation is in relation to standard tier premises only to test the Government’s proposals and to assess the views of organisations and the general public.
- 1.4. The consultation is open to the public for six weeks, from 05/02/2024 until 18/03/2024 and seeks views to make sure the new requirements do not place undue burdens on smaller businesses, while still protecting the public.

2. Background

- 2.1. The draft Terrorism (Protection of Premises) Bill was published in May 2023.
- 2.2. Following publication, the Home Affairs Select Committee (HASC) conducted pre-legislative scrutiny of the published draft Bill. Feedback provided as part of this scrutiny process, particularly on the application of the proposals in relation to smaller premises (with capacity of 100 to 799 individuals), has led the government to review their approach to the Standard Tier, proposing changes that they state “ensure that requirements are proportionate and clear, whilst still achieving their primary objective of implementing simple procedures to reduce harm and save lives in the event of an attack”.

3. Standard Tier – Original proposals

- 3.1. Under the original Standard Tier requirements those responsible for Standard Tier premises must:
 1. Notify the regulator that they are a qualifying premises
 2. Ensure that terrorism protection training in relation to the premises or event (as the case may be) is provided to each relevant worker (see definition below)
 3. Ensure that a standard terrorism evaluation of the premises has been completed (draft copy attached at Appendix 1),
- 3.2. “The Regulator” has not yet been determined by government
- 3.3. “Terrorism protection training”, in relation to qualifying public premises or a qualifying public event, means training in relation to —
 - (a) the types of acts of terrorism most likely to occur at, or in the immediate

- vicinity of, the premises or event (if acts of terrorism were to occur);
- (b) the indications that an act of terrorism may be occurring at, or in the immediate vicinity of, the premises or event;
- (c) the procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event;
- (d) such other matters as the Secretary of State may prescribe in regulations.

3.3. The terrorism protection training provided to a relevant worker must be appropriate to—

- (a) the size and other characteristics of the qualifying public premises or the premises at which the qualifying public event is to be held;
- (b) in relation to qualifying public premises, the use of the premises (including any use of the premises not specified in Schedule 1);
- (c) in relation to a qualifying public event, the nature of the event;
- (d) the responsibilities of the relevant worker in relation to the premises or event.

4. Standard Tier – revised proposals

4.1. In contrast to the published draft Bill, this current consultation proposes that there would be no requirement to complete a specified form (the ‘Standard Terrorism Evaluation’) for Standard Tier premises or ensure that people working at the premises are given any specific training i.e. the terrorism protection training detailed above. However, it is proposed that as part of implementing the procedural measures, workers will need to be sufficiently instructed or trained to carry them out effectively.

4.2. Instead, they must:

1. Notify the Regulator that they are, or have become, responsible for premises within scope of the Bill. This remains broadly in line with previous requirements.
2. Have in place procedural measures that could be expected to reduce, so far as reasonably practicable, the risk of physical harm to individuals at the premises in the event of an attack. These relate only to the procedures to be followed by people working at the premises in the event of an attack. Procedures required include –

Evacuation – how to get people out of the building,

Invacuation - how to bring people into the premises to keep them safe, or move them to safe parts of the building,

Lockdown - how to secure the premises against attackers, e.g. locking doors, closing shutters and using barriers to prevent access, and

Communication - how to alert staff and customers and move people away from danger.

4.3 The consultation submits that the changes are intended to concentrate efforts on outcomes and the development of effective plans and procedures rather

than the completion of a form.

5. Consultation – key questions

- 5.1. A copy of the full consultation is attached as Appendix 2. Notable questions posed include:

Q1. To what extent do you agree or disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

Q2. To what extent do you agree or disagree that ‘the revised requirements for the Standard Tier are more appropriate for the broad spectrum of premises in scope, as outlined at paragraph 18 (e.g. village halls to a 799-seater theatre), than the previous requirements outlined in the Draft May 2023 Bill’ (key changes outlined at paragraphs 40 and 41)?

Q3 .How successful, if at all, do you think the revised Standard Tier requirements will be at improving feelings of safety for staff and visitors at premises within the Standard Tier?

Q4. How easy or difficult do you think it will be for those responsible for Standard Tier premises to take forward the revised requirements (outlined in paragraph 18)?

Q8. Do you think the new approach to training places more or less burden on Standard Tier organisations compared to the previous approach (as outlined in paragraphs 40 and 41)? By “burden”, we mean any burden including financial, time, effort or other.

Q9. We'd like to hear about any other procedures that could be utilised in Standard Tier premises were a terrorist attack to occur further to the above (i.e. other than evacuation, invacuation, lockdown and communications procedures). Please type them in the space below

Q10. Do you think the Standard Tier procedures in Martyn’s Law place more or less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? By “burden”, we mean any burden including financial, time, effort or other.

6. Officer comments

- 6.1. Members will be aware of the success of the ACT (Action Counters Terrorism) training for licensed businesses in Manchester in partnership with GMP and Cityco. Business feedback of the value of this training is overwhelmingly positive and there is concern that the consultation proposals seek to diminish the training standards we have achieved to date.
- 6.2. The emphasis on ‘responsive’ processes and procedures fails to promote implementation of proactive measures aimed at improving vigilance, such as

identifying suspicious behaviour and potential hostile reconnaissance.

- 6.3. As part of a trial workshop for licensed premises, many concerns over the potential burden were dispelled through recognition that many processes are already practised and would often only require manageable adjustments.

7. Recommendations

- 7.1. The Committee is recommended to review the consultation proposals and provide officers with any views they would like to be reflected in a formal response.

8. Appendices

- 8.1. The draft standard terrorism evaluation is attached as Appendix 1.
- 8.2. A copy of the consultation is attached as Appendix 2.

This page is intentionally left blank



Home Office

DRAFT Standard Terrorism Evaluation

The Terrorism (Protection of Premises) Bill

June 2023

DRAFT

OGL

© Crown copyright 2023

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [Terrorism \(Protection of premises\) draft bill: overarching documents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/drafts/terrorism-protection-of-premises-draft-bill-overarching-documents).

Any enquiries regarding this publication should be sent to us at protectduty@homeoffice.gov.uk.

Contents

Introduction	2
Standard Terrorism Evaluation Overview	3
Think - Understand the threat from Terrorism	4
Plan - Complete the 6-task plan	6
Activate - Put the plan into action	12

DRAFT

Introduction

If a terrorist attack happens, acting fast will save lives. The Terrorism (Protection of Premises) Bill requires that persons responsible for standard duty premises¹ ensure that a Standard Terrorism Evaluation is prepared.² The resulting plan and actions will enable them to recognise and respond to a terrorist attack.

The following page of this document gives an overview of the Standard Terrorism Evaluation. The plan will be completed by using this template, with reference to the accompanying guidance notes which will lead you through the process. Please open both documents and refer to the guidance for each task as you complete. It is important to understand the meaning of 'relevant worker'³ and how this relates to your premises.

DRAFT

¹ See clauses 2, 3 and 5 of the Bill.

² See clause 11 of the Bill.

³ See clause 13 of the Bill.

Standard Terrorism Evaluation Overview

<p>THINK</p> <p>Understand the threat from terrorism</p>	<p>The UK faces a persistent threat from terrorism. Although attacks are rare, the impact of such attacks is very high. It is therefore important to take sensible and proportionate steps to prepare for such an incident.</p> <p>Terrorists in the UK have used a range of attack types, including;</p> <ul style="list-style-type: none"> - The use of knives, fire, guns, or other weapons - Deliberately driving a vehicle at an individual or into a crowd - Using explosive devices which can be carried by a vehicle, person or in the post to a location <p>You will need to consider how your premises could become targeted as part of a terrorist incident and the types of terrorist attack which may be relevant.</p>
<p>PLAN</p> <p>Complete the 6-task plan</p>	<p>An evaluation must be completed to ensure that your premises is prepared for an attack. Providing the details set out for each of the six tasks will result in your 6-task plan. The tasks do not reflect the order in which they should be triggered in the event of an attack, and it may not be appropriate to complete all tasks. Each attack will generate a different response and completing a plan will enable a more effective response to be launched.</p> <p>Task 1 - Plan to warn people on the premises that an attack is taking place Task 2 - Plan to lockdown your premises Task 3 - Plan to evacuate your premises Task 4 - Plan to call the emergency services and relay the necessary information Task 5 - Use available first aid and fire safety equipment Task 6 - Consider how you can make your neighbours or local network aware of your plan and alert them of an attack</p> <p>Record all the relevant actions on the template.</p>
<p>ACTIVATE</p> <p>Put the plan into action</p>	<p>Once the evaluation is complete, you must make sure that it is kept up-to-date and reviewed, and that a copy is made available to each individual working at your premises. It is recommended that you incorporate its content into inductions for new workers and as part of the terrorism protection training that you must ensure is provided to relevant workers under the Bill.</p> <p>It is also recommended that you rehearse the 6-task plan appropriately – including checks of relevant equipment - and record this rehearsal as well as any training and briefings given.</p>

Think – Understand the threat from Terrorism

1. Describe the premises and their operating environment

Provide details of the type of premises concerned, including the types of activities that take place on them and relevant uses to which they are put.⁴

Your summary should include an overview of the number of people utilising the premises (including their public capacity), their location and area, and their physical features (including the number of entry and exit points).

2. Which types of terrorist attack are most likely to occur at the premises?

In light of your summary above, detail the types of attack which seem most relevant to the premises – i.e. most likely to occur at or in the immediate vicinity of the premises, if an act of terrorism were to occur - and explain why you consider them to be the most relevant.

⁴ See Schedule 1 of the Bill.

3. Have you identified relevant workers who must receive terrorism protection training and ensured it is provided to them?

There is a requirement to ensure that terrorism protection training is provided to each relevant worker in connection with the premises.⁵ As part of terrorism protection training, relevant workers should receive training on the terrorist attacks that they might face at the premises and how to spot suspicious behaviour (and what to do if they do spot it). If workers on the premises are aware of what suspicious behaviours look like and are empowered to report them, it may enable an intervention to take place. This could keep people safe, prevent an attack, or reduce the harm caused by an attack. Record relevant actions, including the type and content of training delivered, who to, when and whether it was to all relevant workers.

4. Who will put the plan into action in the event of an incident? How is the plan and relevant information being communicated to workers at the premises?

In the event of a suspected terrorist attack, some elements of the plan may require a decision to be made and communicated to others working at the premises, so they know which procedure to follow. Identifying who takes the lead in such decisions is important to avoid confusion or conflicting approaches. For example, following a lockdown procedure and not evacuating. Accordingly different workers may need to be aware of different levels of information. For example, supervisors should be able to decide which protocols within your plans to follow should an attack take place. General staff are more likely to need to be aware of the protocols to follow and who should be making the decision. You should record these considerations and decisions below.

⁵ See clauses 13 and 14 of the Bill.

Plan – Complete the 6-task plan

Task 1 - Plan to warn people on the premises that an attack is taking place

Warning people of an attack can save lives by alerting them to the danger and directing them towards safety

1. In the event of an attack, what actions will be taken to rapidly communicate with people on your premises? Include information about any communications systems that are available, how they will be used and who will use them. Consider what messages will be used.

Your actions:

DRAFT

Task 2 – Plan to lockdown your premises

Lockdown means locking doors, or other barriers, to prevent access to part or all of a site or building. The aims of lockdown are to reduce the immediate threat of harm by delaying attackers and preventing people inadvertently putting themselves into the path of danger. As part of lockdown, you may wish to consider bringing customers, visitors, workers, and nearby members of the public into the building, prior to securing doors, when you assess it is safe and appropriate to do so. Lockdown will not always be appropriate, careful consideration must be given as to the circumstance in which lockdown should be used. Lockdown actions should not be taken if people will be put at risk.

2.1 Explain how you will lockdown your premises in an emergency and in what circumstance this is likely to be possible. Check that existing doors and shutters can be locked quickly and safely from the inside.

Your actions:

2.2 What action will you take to ensure relevant workers know how to lockdown the premises? Your actions should include details of the role that relevant workers play in locking down the premises, and how and when they have practised locking down the premises.

Your actions:

2.3 How will people on your premises be informed that it has been locked down and that they should not attempt to leave because of the threat outside?

Your actions:

Task 3 – Plan to evacuate the premises

Getting people safely and quickly away from danger could save lives. Identify potential evacuation routes to take people away from the threat. Careful consideration must be given to the circumstances in which evacuation takes place.

3.1 Describe your evacuation plan, including details of the roles that relevant workers will play in evacuating the premises.

Your actions:

3.2 What action will you take to ensure your relevant workers know how to evacuate the premises? Your actions should include how and when relevant workers have practised evacuating the premises.

Your actions:

3.3 How will you communicate with people at the premises in the event of an evacuation? It is important to clearly communicate where the threat is, so they evacuate away from it.

Your actions:

3.4 Have you taken action to ensure your evacuation plan supports, and does not conflict with, those for neighbouring premises?

Your actions:

Task 4 - Plan to call the emergency services and relay the necessary information

Getting the emergency services to the scene of an attack quickly with the right resources is key to saving lives and preventing further harm. Passing key information to the police will enable an effective and appropriate response. The police will pass information to the other emergency services.

4.1 How will you ensure all relevant workers understand how to contact the police? include how and when you will brief relevant workers on what to say to the police. The safety of the caller is a priority.

Your actions:

4.2 Could you display posters or other appropriate material that summarises the information the police need to know in the event of a terrorist incident? If so, where will you do so?

Your actions:

Task 5 - Use available first aid and fire safety equipment

Research into serious injuries shows that the quicker people are treated, the greater their likelihood of survival. Using simple techniques with readily available equipment can save lives. Health and Safety and Fire Safety risk assessments already in place for your premises will be relevant. Consider if additional first aid and fire safety equipment may be needed in the response to a terrorist incident.

5.1 Have you completed a First Aid Needs Assessment? If so, what were its findings and when was it completed?

Your actions:

5.2 Is your First Aid or Fire Safety equipment 'in date', fit for purpose (this may include consideration of whether to obtain Public Access Trauma (PACT) First Aid Kits) and readily available?

Maintain records of checks made.

5.3 Have relevant workers been trained to use that equipment as part of their terrorism protection training or otherwise? Have you recorded this and planned refresher training?

Your actions:

Task 6 - Consider how you can make your neighbours or local network aware of your plan and alert them of an attack

Getting early warning of an attack nearby can vastly improve responses and maximise the effect of life saving actions.

6.1 Have you communicated with the persons responsible for neighbouring premises during your planning? If not, what action will you take to identify and contact such persons?

Your actions:

6.2 How will you communicate with them in the event of a terrorist incident?

Your actions:

DRAFT

Activate – Put the plan into action

Once the evaluation is completed, you must ensure:

- It is available for inspection if required by the Regulator;
- It is made available to people working at your premises; and
- Relevant workers are given terrorism protection training (which should include briefing on relevant parts of this evaluation and, in particular, the plan).

It is recommended that:

- The plan is appropriately rehearsed and tested so that it can be readily implemented in the event of an attack;
- You keep the plan 'alive' by incorporating it into existing refresher training and briefing cycles;
- You ensure all relevant equipment is regularly tested, maintained in working order, and kept in the correct place; and
- You record these actions, particularly training, briefings and checks made on equipment.

The plan must be reviewed annually or whenever there is a material change to your premises.

When is your next scheduled review of the plan?

Review Date:

Evaluation completed by

.....

Approved by:

Name.....Signature.....Date.....

Signature

.....

Date

.....

DRAFT

This page is intentionally left blank



Home Office

Terrorism (Protection of Premises) Bill - Standard Tier

Government consultation

This consultation begins on 5 February 2024

This consultation ends on 18 March 2024

About this consultation

To:

This consultation is open to the public, and is targeted at organisations, businesses, local and public authorities, and/or individuals who own or operate publicly accessible premises or events that the proposed Terrorism (Protection of Premises) Bill would potentially affect. In particular, it seeks views from those responsible for the smaller premises which would fall within the Standard Tier.

The proposed Bill would impose requirements in relation to certain premises and events 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 at their premises.

The proposed requirements would apply to those responsible for qualifying public premises and qualifying public events. They might be individuals but, in most cases, would likely be a business or other organisation. If premises or an event did not meet certain prescribed qualifying conditions, then the proposed requirements would not apply in relation to them. One of the conditions for premises would be that they be wholly or mainly used for a listed purpose, such as the provision of entertainment and leisure facilities to the public.

The proposals set out different requirements for i) Standard Tier premises, which would have a capacity of 100-799 individuals, and ii) Enhanced Tier premises and qualifying public events, both of which have a capacity of 800 individuals or more.

This consultation is **solely focussed on the requirements proposed in relation to standard duty premises, which is referred to as the “Standard Tier”**.

We welcome responses from anyone with an interest in or experience of the areas being consulted on within this consultation. The consultation relates to the United Kingdom only.

Duration:

From 05/02/24 to 18/03/24

Enquiries (including requests for the paper in an alternative format) to:

Email: MartynsLaw@homeoffice.gov.uk
Or
Terrorism (Protection of Premises) Bill Consultation
Protect and Prepare 4th Floor Peel Building,
Homeland Security Group
Home Office
2 Marsham Street,
London, SW1P 4DF

How to respond:

The survey will take around 10 minutes to complete, depending on how much detail you give. If you wish to take part, you will be required to complete the survey in one sitting.

Please submit your response by 18 March 2024

To help us analyse the responses please use the online system wherever possible: [\[Online survey link\]](#)

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request and complete a Word document version of the form by email.

Response paper:

A response to this consultation will be published online via GOV.UK, once the Bill is introduced to Parliament.

Contents

Foreword	2
Executive summary	4
Introduction	5
The proposals	6
Threat picture	6
Purpose of Bill	6
Scope	7
Revised approach to Standard Tier	8
Overview of Revised Standard Tier requirements	9
Detailed Standard Tier requirements	9
How does this approach differ from the published Bill?	13
Impact Assessment	13
Questionnaire	15
Contact details and how to respond	39
Complaints or comments	39
Extra copies	39
Publication of response	39
Representative groups	39
Confidentiality	39
Annex A - Impact Assessment	41
Consultation principles	43

Foreword

The safety of our citizens is the Government's top priority. The current threat picture is complex, evolving, and enduring, and often hard to predict, with terrorists choosing to attack a broad range of locations. Martyn's Law will ensure premises in the UK are better prepared for and protected from, a terrorist attack. The Bill is one part of the Government's wider counter terrorism strategy – CONTEST.

We are aware through engagement with businesses that counter terrorism security efforts often fall behind other activities already required by law, such as Health and Safety. Our expert security partners assess that individuals are more likely to take action that can reduce harm and save lives, if they have considered what they would do, and how, prior to a terrorist attack occurring.

In 2017, 22 victims lost their lives to the terror attack at the Manchester Arena. Following the attack, the Martyn's Law Campaign Team led by Figen Murray, the mother of one of the victims, Martyn Hett, tirelessly campaigned to introduce Martyn's Law to Parliament. I would like to thank Figen and the team for their enduring efforts.

The Government has consulted extensively with expert security partners, businesses, local authorities, and the Martyn's Law Campaign Team on the proposals. Throughout the development of the legislation, the Government has been conscious of the need for proportionality, balancing the requirements with other pressures facing those who run premises and events in scope.

In 2021, we held an [18-week public consultation](#) which received a total of 2,755 responses, and we attended over 80 stakeholder engagement events to test proposals and encourage stakeholder feedback. Further to this consultation, we held numerous stakeholder group discussions in 2022 to discuss aspects of proposals, and in early 2023 we held five sectoral webinars with specific, impacted groups (Public Sector, Education, Charities, Places of Worship and Industry).

A [draft Bill](#) setting out the Government's proposed approach was published in May 2023. To reach as broad an audience as possible, seven in-person regional roadshows were held across the UK in May 2023. These events were attended by 700 in-person attendees and 1000 individuals online.

To ensure this novel piece of legislation can meaningfully enhance public safety whilst remaining proportionate, we requested the Home Affairs Select Committee (HASC) to conduct pre-legislative scrutiny of the published draft Bill. Evidence sessions were completed in June 2023 and a report was produced by HASC on 27 July 2023 scrutinising the proposed measures. Throughout the scrutiny period, and over the summer, we have continued to engage directly with stakeholders across a variety of sectors, presenting an overview of the proposed legislation, supporting understanding, and seeking feedback on our proposals.

The Government has carefully considered feedback provided as part of [HASC's pre-legislative scrutiny](#) process, as well as the considerable engagement from across the sectors within scope of the proposed Bill. Significant feedback was received on the

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

application of the proposals in relation to smaller premises (with capacity of 100 to 799 individuals). Further to this, we have reviewed our approach to the Standard Tier, proposing changes to ensure that requirements are proportionate and clear, whilst ensuring that these achieve their primary objective of this tier: to implement simple procedures which could reduce harm and save lives in the event of an attack. Those responsible for such premises will be required to undertake simple, yet effective, activities to improve protective security and preparedness.

We are launching this consultation to ensure the public can share their views on these proposals for the Standard Tier, which will support policy decisions prior to the legislation's introduction to Parliament.

A handwritten signature in black ink, appearing to read 'Tom Tugendhat', written in a cursive style.

Rt Hon Tom Tugendhat MP

Security Minister

Executive summary

This consultation is open to the public, and is targeted at organisations, businesses, local and public authorities, and/or individuals who own or operate publicly accessible premises or events that the proposed Terrorism (Protection of Premises) Bill would potentially affect. In particular, it seeks views from those responsible for the smaller premises which would fall within the Standard Tier.

The proposed Bill would impose requirements in relation to certain premises and events 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 at their premises.

The proposed requirements would apply to those responsible for qualifying public premises and qualifying public events. They might be individuals but, in most cases, would likely be a business or other organisation. If premises or an event did not meet certain prescribed qualifying conditions, then the proposed requirements would not apply in relation to them. One of the conditions for premises would be that they be wholly or mainly used for a listed purpose, such as the provision of entertainment and leisure facilities to the public.

The proposals set out different requirements for i) Standard Tier premises, which would have a capacity of 100-799 individuals, and ii) Enhanced Tier premises and qualifying public events, both of which have a capacity of 800 individuals or more.

This consultation is **solely focussed on the requirements proposed in relation to standard duty premises, which is referred to as the “Standard Tier”**.

We welcome responses from anyone with an interest in or experience of the areas being consulted on within this consultation. The consultation relates to the United Kingdom only.

Introduction

This paper sets out consultation proposals for Standard Tier requirements within the Terrorism (Protection of Premises) Bill, also known as Martyn's Law. The consultation is aimed at organisations, businesses, local and public authorities, and/or individuals who own or operate publicly accessible premises or events in the UK that the proposed Terrorism (Protection of Premises) Bill would potentially affect. In particular, it seeks views from those responsible for the smaller premises which would fall within the Standard Tier.

An Impact Assessment is attached. This impact assessment estimated the cost of Martyn's Law as of May 2023. Any changes to these estimates since May 2023 have been calculated and the differences highlighted in Annex A.

The proposals

Threat picture

- 1) The UK's Counter Terrorism Strategy, CONTEST, outlines that the terrorist threat is enduring and evolving. We now face a domestic terrorist threat which is less predictable, harder to detect and investigate; a persistent and evolving threat from Islamist terrorist groups overseas; and an operating environment where technology continues to provide both opportunity and risk to our counter-terrorism efforts. We therefore judge that the risk from terrorism is once again rising.
- 2) There have been 14 domestic terror attacks since the start of 2017 in the UK (not including Northern Ireland-related terrorism). Since March 2017, MI5 and the police have disrupted 39 late-stage attacks. Ongoing investigations and disruptions are undertaken in both rural and urban areas.
- 3) The threat to the UK from terrorism is currently SUBSTANTIAL meaning an attack is likely. The nature of the threat means that there is significant potential for attacks which are motivated by a range of factors. Terrorist attackers have targeted a wide range of people and places in recent years. It is not possible to predict where in the UK an attack might happen, or the type of premises or event that could be impacted – either directly (as the target of an attack) or indirectly (by being located near to the target of an attack). To ensure better preparedness and raise the public safety bar, a broad range of premises and events need to be ready to act to reduce harm. Government considers that businesses and organisations which welcome the public have an important role to play by being prepared to act in order to reduce harm should a suspected terrorist attack occur.

Purpose of Bill

- 4) The proposed legislation, also referred to as “Martyn’s Law”, will enhance public safety by ensuring there is better preparedness for, and protection from, terrorist attacks. Martyn’s Law will place requirements on those responsible for certain premises and events to fulfil necessary, but proportionate, steps. The proposal distinguishes between premises according to their capacity and applies different requirements to each of the two resulting “tiers”. These steps are designed to mitigate the impact of a terrorist attack and reduce harm. Through Martyn’s Law, premises will be better prepared and ready to respond in the event of a terrorist attack.
- 5) There will be a significant period prior to the implementation of the legislation following Royal Assent. We expect this period to be at least 18-24 months to ensure sufficient time for those responsible for premises and events in scope to understand their new obligations, and to plan and prepare.

Scope

- 6) The main requirements of the proposed legislation would apply only in relation to certain premises that meet specified conditions.
- 7) The primary qualifying conditions for premises¹ are that:
- a. **Their capacity²** is 100 or more individuals, and
 - b. They are **wholly or mainly used for one or more specified uses**, falling into the following categories:
 - i. Retail, e.g. stores or shopping centres;
 - ii. Hospitality and nightlife, e.g. bars, pubs, restaurants, cafés, nightclubs and other public clubs;
 - iii. Entertainment, e.g. theatres, cinemas, and concert halls and arenas;
 - iv. Sports grounds;
 - v. Recreation and leisure, e.g. public sports/leisure centres, ice rinks and gyms;
 - vi. Public libraries, museums and galleries;
 - vii. Public conference centres, exhibition halls and other venues for hire;
 - viii. Visitor attractions;
 - ix. Hotels, holiday parks and similar holiday accommodation;
 - x. Places of worship;
 - xi. Healthcare;
 - xii. Education and childcare;
 - xiii. Public transport, including train stations, ports and airports; and
 - xiv. Public services and facilities.
- 8) The requirements will not apply to premises that meet the above conditions if either:
- a. They are subject to a specified transport security regime; or
 - b. They comprise a public park, public garden or recreation or sports ground, where no payment is taken for entry nor any check carried out.
- 9) **Premises that meet the above conditions fall into two tiers:**
- a. **The Standard Tier:** Standard Tier premises are those with a capacity of 100-799 individuals, e.g. many retail stores, village halls, bars, restaurants and theatres; and
 - b. **The Enhanced Tier:** Enhanced Tier premises are those with a capacity of 800 or more individuals, e.g. large shopping centres, concert halls and sports stadia. The Enhanced Tier also includes certain events with equivalent capacity.
- 10) It is proposed that places of worship will be Standard Tier premises, irrespective of their maximum capacity, unless they charge a fee for admission. Places of worship are significantly different to other premises within scope, and there are a range of procedures and measures in place, including those funded by Government, to work with and support places of worship to reduce their vulnerability to terrorism and hate crime. As such, it is considered that it is right for them to be generally within the Standard Tier.
- 11) Similarly, it is proposed that premises that are used for childcare or primary, secondary or further education (but not higher education) will also fall within the Standard Tier even if their capacity is 800 or over. Existing safety and safeguarding policies and procedures (which are independently overseen) mean there is a range of measures and procedures in

¹ Premises may comprise (i) a building with accompanying land, including parts of buildings and groups of building or (ii) any other land with a readily identifiable boundary (whether permanent or not).

² Capacity calculations to be based on maximum capacity of the public parts of a premise (including employees where applicable)

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

place at these establishments. These include, for example, lockdown and evacuation processes. The operating environments for these establishments are significantly different to the freely accessible nature of higher education premises, which are subject to the requirements of the Bill in accordance with their capacity.

- 12) The requirements for the Enhanced Tier are more significant than those for the Standard Tier, which is the focus of this consultation. This reflects the potentially greater impact of a successful attack at these higher-capacity premises. In short, those responsible for Enhanced Tier premises must have in place such security measures as would, insofar as is reasonably practicable, mitigate the risk of a terrorist attack occurring at the premises and/or the risk of physical harm to individuals at the premises (if an attack occurred there or in the vicinity). Unlike the Standard Tier, the measures are not limited to the response to a terrorist attack and may entail the installation of physical measures where doing so is reasonably practicable.
- 13) In total, it is estimated that 278,880 premises fall into the Standard Tier. These are mostly retail and hospitality (65% of premises), places of worship (16%) and schools (11%). In terms of the operation of these premises, 153,590 are operated by micro businesses/organisations (55.1%), 37,450 are operated by small businesses/organisations (13.4%), 28,600 are operated by medium businesses (10.3%), and 59,240 are operated by large businesses/organisations (21.2%).
- 14) The Standard Tier incorporates premises which have a variety of purposes, ranging from shops, community facilities or village halls to cinemas, nightclubs or theatres which may have capacity for up to 799 individuals. Those who operate these premises will have differing skills, experiences and knowledge as to how best to respond to emergencies. The Standard Tier procedures have been developed to recognise a diversity of premises and their occupants, delivering meaningful outcomes across this broad range of premises where lives could be saved in the event of an attack.

Revised approach to Standard Tier

- 15) During pre-legislative scrutiny conducted by HASC, some concerns were raised as to the burden associated with the Standard Tier, with particular focus on voluntary and community-run premises within scope of the published draft Bill.
- 16) Since publication of the draft Bill in May 2023, the Government has revised its approach to the Standard Tier. The revised obligations are designed to be low-to-no financial cost and low burden to put in place, whilst continuing to deliver meaningful outcomes that could save lives. The Government is committed to ensuring that those responsible for complying with Standard Tier requirements premises are not over-burdened. HMG believes the proposed changes to the Standard Tier mean that the duty can apply to premises in a proportionate way, without incurring significant additional cost or time. We are seeking specific feedback in this consultation to ensure the proposed requirements strike the right balance.
- 17) The purpose of this consultation is to test Government's proposals for the Standard Tier. We wish to understand the views of organisations and the general public as to whether our revised approach:

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

- Sets out the Government's requirements for the Standard Tier in a clear, understandable way; and
- Is better suited to the wide variety of organisations within the Standard Tier, to ensure that any burden is appropriate.

Overview of Revised Standard Tier requirements

18) In summary, those responsible for Standard Tier premises³ must:

- **Notify the Regulator that they are, or have become, responsible for premises within scope of the Bill (and so subject to the relevant requirements).** This remains broadly in line with previous requirements.
- **Have in place procedural measures that could be expected to reduce, so far as reasonably practicable, the risk of physical harm to individuals at the premises in the event of an attack.** These relate only to the procedures to be followed by people working at the premises in the event of an attack occurring or being suspected as about to occur. Details on the procedures required are set out at paragraph 22. As the procedural measures are about procedures for responding to an attack or suspected attack, it is not expected or required that physical alterations be undertaken or additional equipment purchased for Standard Tier premises.
- In contrast to the published draft Bill, there is **no requirement to complete a specified form (the 'Standard Terrorism Evaluation') for Standard Tier premises or ensure that people working at the premises are given any specific training.** However, as part of putting in place the procedural measures, workers will need to be sufficiently instructed or trained to carry them out effectively.

Detailed Standard Tier requirements

19) This section sets out more detail on the key elements of the Standard Tier.

Policy Intent - Procedural measures

20) The procedures at particular premises may vary in line with the activities they undertake, the operating environment, and the systems, equipment and resources available at the premises. At venues for hire, the person responsible for the venue might include procedures in their contracts for hire and ensure relevant information is displayed appropriately, including – for example - on posters. This is similar to how such organisations meet their

³ A person – whether an individual or an organisation (e.g. a company) – will be responsible for premises, and so for complying with the requirements proposed in relation to them, where they have control over the premises.

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

obligations under Fire Safety. Comparatively, a medium sized theatre (e.g. 750 person capacity) may determine that existing security and front of house staff need increased awareness to ensure procedures are followed.

- 21) Whilst well-received as a concept, it became apparent through pre-legislative scrutiny that the previous approach, which focused on the completion of a specified form, the Standard Terrorism Evaluation, was too directive and inflexible for the broad range of sectors and premises in scope. In addition, when considering the requirement to provide relevant workers with prescribed terrorism protection training, it became clear that this also was too directive and inflexible, particularly when considering its application to smaller locations, and charitable and voluntary premises.
- 22) Having considered these issues, the Government's revised proposal is a requirement for those responsible for Standard Tier premises to have in place such procedures that may be expected, so far as reasonably practicable, to reduce harm to the public and staff at the premises in the event of a terrorist attack. This will include procedures for:
- Evacuation – how to get people out of the building,
 - Invacuation - how to bring people into the premises to keep them safe, or move them to safe parts of the building,
 - Lockdown - how to secure the premises against attackers, e.g. locking doors, closing shutters and using barriers to prevent access, and
 - Communication - how to alert staff and customers and move people away from danger.
- 23) This moves away from the focus being on the completion of a form, to concentrating efforts on outcomes and the development of effective plans and procedures. These plans and procedures should be tailored to the particular premises (how they operate, their resources and the types of acts of terrorism that could occur there).
- 24) Having these procedures in place also means ensuring that they are appropriately communicated to staff and maintaining their awareness of them, e.g. through training and in some cases practice runs, so that they can be effectively implemented in the event of an attack. Guidance will include information on procedures that can be adapted to specific premises.
- 25) Those responsible for Standard Tier premises need not do anything that is outside their control, or that would impose disproportionate burden on their finances or resources. This balancing exercise between the reduction of risk of harm to staff and visitors and the costs of implementation is familiar from other regulatory regimes such as Health and Safety, which require the taking of reasonably practicable steps.

Guidance

- 26) Guidance will help those subject to the requirements develop effective procedures that are suitably tailored to their circumstances and resources. It will guide them in developing and implementing policies, procedures and plans that are reasonably practicable for their organisation; for example, reasonably practicable procedures might look different at a theatre compared to a community hall.

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

- 27) Guidance will be available on ProtectUK and will support users in further understanding the types of terrorist attacks that could occur at their premises.
- 28) Guidance will also include optional templates, building upon the previously published Standard Terrorism Evaluation. The templates will guide organisations through a step-by-step process to consider CT procedures for their premises.

Training

- 29) Under the published draft Bill, those responsible for all premises in scope were required to ensure certain individuals completed specific types of training at definitive milestones (e.g. prior to commencing work at the premises or as soon as possible after). Workers identified as those with relevant responsibilities were required to have training to understand the types of terrorist acts most likely to occur, the indicators that an attack might be taking place, and the procedures to follow (“terrorism protection training”).
- 30) Having listened to concerns from our stakeholders, we understand that a prescriptive requirement for all relevant workers to complete such a training product is not appropriate for the broad types of premises and sectors in scope.
- 31) As set out above at paragraph 18, the Government’s revised approach will require those responsible for Standard Tier premises to put in place procedures to be followed, should a terrorist attack occur or be suspected. As part of putting in place such procedures, those responsible must ensure that all procedures are sufficiently communicated to staff so that they know what to do in the event of an attack. What sort of training or instruction in those procedures is reasonably practicable will depend on the nature of the premises, its staffing and circumstances. For example, certain staff, such as duty managers or those working front-of-house at a theatre, should have a greater awareness whilst general staff may only be notified of protocols relevant to their area or responsibilities.
- 32) Accordingly, the published requirement for terrorism protection training is no longer part of the proposed legislation. The focus is on ensuring that those working at the premises are aware of the actions to take in the event of a suspected attack. The Government considers this revised approach ensures greater clarity by ensuring that training should support the delivery of effective procedures, and takes account of particular organisational capabilities and needs, e.g. staffing.

Compliance for Standard Tier

- 33) The Government’s clear expectation is that the Regulator’s first obligation will be to support those responsible for premises in complying with their obligations. We will set clear parameters and expectations that the Regulator should provide such support through advice and guidance – with the Regulator acting as an educator in the first instance. The Regulator should, wherever possible, support those responsible for premises to put in place procedures to reduce harm to their staff and customers should an attack occur.

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

- 34) Reflecting the importance of proportionality, the proposed sanctions regime has been designed such that differing levels of sanctions apply to the Standard and Enhanced Tiers. It is assumed, based on learning from other regulatory regimes, that instances of non-compliance will be rare, and that compliance will be achieved following engagement with the Regulator and largely without the need for enforcement action.
- 35) However, such engagement can fail and non-compliance may persist. Where a person does not comply with the proposed requirements, the Regulator will be able to issue compliance notices and monetary penalties in relation to Standard Tier premises.⁴ Prior to issuing a notice or monetary penalty, the Regulator will provide an opportunity to make representations and demonstrate compliance. There will be no criminal offence for failing to comply with a compliance notice in the Standard Tier.
- 36) It is expected that more often than not a monetary penalty will be issued only after a compliance notice has been issued and not complied with. The amount of the penalty must not exceed £10,000 for the original, fixed penalty. There is the possibility of further daily penalties of up to £500, if non-compliance continues. This maximum amount ensures an appropriate penalty can be issued for the range of premises within the Standard Tier, from premises that are small in size or run by smaller organisations (such as community halls) to larger premises and those run by larger organisations (chain supermarkets, chain restaurants, 799 seater theatres).
- 37) The amount of the penalty must be reasonable and proportionate to the non-compliance with which it is concerned. The Regulator must take into account the effects of the failure, any mitigating action taken to remedy it or its effects, and the recipient's ability to pay. This ensures that it will not be overly punitive or impactful on the organisation's ability to continue operating, which is of particular concern for smaller businesses and organisations within the VCSE sector.
- 38) Further detail on how the Regulator will operate is being developed in collaboration with other regulators and industry partners in readiness for the Regulator being established.
- 39) **In summary, the revised requirements for the Standard Tier are:**
- **To notify the Regulator that they are, or have become, responsible for premises within scope of proposed legislation and so subject to the relevant requirements therein.** This remains broadly in line with previous requirements, and
 - **To have in place procedural measures that could be expected to reduce, so far as reasonably practicable, the risk of physical harm to individuals at the premises in the event of an attack.** These relate only to the procedures to be followed by people working at the premises in the event of an attack occurring or be suspected as about to occur.

⁴ Unlike the Enhanced Tier, the Regulator will not be able to issue restriction notices in relation to standard duty premises. A Restriction Notice can only be issued by the Regulator where it is necessary to restrict activity at premises or events in order to protect the public. Restrictions can range from limiting times at which they may operate or the number of individuals permitted (at any time) to enter the premises or event, and in particularly serious cases, to prevent an event from taking place or prohibit premises operating in a certain way.

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

- In contrast to the published draft Bill, there is **no requirement to ensure that people working at the premises are given any specific training**, but it forms part of putting in place the procedural measures that workers are sufficiently instructed or trained to carry them out effectively.

How does this approach differ from the published Bill?

- 40) We have **removed the requirement for specific terrorism protection training**. This required certain individuals to complete training that was not limited to the carrying out of procedures in the event of an attack. Now, those responsible for Standard Tier premises must ensure that sufficient training is provided for their procedural measures to be put in place effectively. Information on appropriate training will be included in guidance.
- 41) We have **removed the requirement to complete the Standard Terrorism Evaluation**. Instead, the requirement is simpler and more meaningful in requiring that reasonably practicable procedures to follow in the event of an attack are in place at Standard Tier premises. A template will remain available as part of guidance on the proposed requirements, guiding users through their consideration of the appropriate procedures for their premises.

Impact Assessment

- 42) The Government has published an Impact Assessment into Martyn's Law detailing the costs, benefits and effects of the policy. The Impact Assessment can be found online [here](#)⁵. This includes an assessment of the Net Present Social Value (NPSV) and the estimated yearly cost to business. Since the Impact Assessment has been published, revisions to the IA have been made to reflect policy changes since May 2023, improve accuracy and respond to comments from the RPC. The full list of changes is summarised in the Annex. A summary of the current assessment of the impact of the policy can be found below.
- 43) To apply proportionate duties whilst considering any impacts to business, the primary duty for Standard Tier premises has been amended from a requirement to complete a standardised template to having procedures in place, were an attack to occur and making sure staff are aware of these procedures. The Reasonably Practicable test allows for businesses to determine what is proportionate to their organisation, including what is financially feasible.
- 44) The Net Present Social Value of Martyn's Law is estimated to be between -£726 million⁶ and -£5.52 billion with a central estimate of -£2.15 billion⁷. The majority of the cost is concentrated on the cost to business which is estimated to be between -£731 million and -£5.47 billion with a central estimate of -£2.12 billion (PV). The estimated yearly cost to business is between £85 million and £635 million with a central estimate of £246 million per year.

⁵ Terrorism (Protection of Premises) Bill: Impact assessment (publishing.service.gov.uk)

⁶ All the values in the note are in 2022 prices and have a base year of 2024, with values being expressed in present value (PV) terms.

⁷ Ranges between a high and low estimate with a central value have been used to show the uncertainty in the costs and benefits of the proposals (and are used alongside the central value).

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

- 45) The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV) over the full appraisal period. This is an economic cost from working hours being taken up to complete CT planning, put in place procedural measures and communicate them to relevant workers, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year.
- 46) A more detailed overview of the Impact Assessment can be found at Annex A below.

Questionnaire

About the questionnaire and how the data will be used

The survey will take around 10 minutes to complete, depending on how much detail you give.

Please submit your response by 18th March 2024.

To help us analyse the responses please use the online system wherever possible:

[\[Online survey link\]](#)

This research is being conducted by Verian, on behalf of the UK Home Office, to understand views towards the proposed Standard Tier requirements. Verian's privacy policy can be found here: <https://www.veriangroup.com/uk-surveys>

The data you submit in the survey will be confidential and used only for the research purpose of understanding views towards the proposed Standard Tier requirements. The survey does not ask for any personally identifiable information, and therefore only anonymous survey data will be shared with the Home Office. We ask that you do not provide any personal data in the survey. If you wish to contact the Home Office directly about this consultation, you can contact:

Email: MartynsLaw@homeoffice.gov.uk

Or

Terrorism (Protection of Premises) Bill Consultation
Protect and Prepare 4th Floor NE, Peel Building,
Homeland Security Group
Home Office
2 Marsham Street,
London, SW1P 4DF

Participation in this survey is entirely voluntary. If at any point you wish to withdraw from the survey, you are free to do so without obligation.

Research conducted by Verian is in accordance with the MRS Code of Conduct.

How do I fill out the questionnaire?

1. Please use the [online system](#) wherever possible. If you are unable to use the online system, please send this questionnaire by email to MartynsLaw@homeoffice.gov.uk or by post to: Terrorism (Protection of Premises) Bill Consultation, Protect and Prepare 4th Floor NE, Peel Building, Homeland Security Group, Home Office, 2 Marsham Street, London, SW1P 4DF
2. Most questions can be answered by putting a cross in the box next to or **highlighting** the answer that applies to you
3. Some questions will ask you to: **cross or highlight one box only** and some will ask you to: **cross or highlight all boxes that apply**
4. Some questions include space for you to answer in your own words to provide more detail about a particular subject. You will be asked to either: **specify in the box below** ✍ or to: **write your answer below** ✍
5. Some questions may not apply to you, and you will be directed to the next one that does by following an arrow like this: **→ Go to QE**
6. Further information is provided in boxes indicated by **i** which includes additional information about the topic and in some cases instructions on who should answer the questions which follow. Please read these carefully.
7. Please try to answer every question that applies to you. If you cannot remember or do not know, please cross or highlight the relevant box where shown or leave the question blank.



- Throughout the questionnaire, there are references to paragraphs numbers. These relate to the paragraphs in 'The Proposals' which you can refer back to.

Section 1: Information about you and your organisation

QA. Which of the following best describes you or your organisation?

Please cross or highlight one box only and then go to the specified question.

- 1 I own or operate premises → Go to QB
- 2 I own or operate an event → Go to QB
- 3 I am responsible for security at premises or events → Go to QB
- 4 I work at a premises or event in scope, but do not own or operate it → Go to QE
- 5 I am a security consultant → Go to QB
- 6 I am an interested member of the public → Go to QG
- 98 Other → Go to QG
- 99 Don't know → Go to QG
- 97 I prefer not to say → Go to QG

QB. Do you own and/or operate any premises that would fall within the Standard Tier?



To be in scope for Standard Tier:

- Premises and events must be accessible to the public.
- Premises must be used for a purpose listed in the Bill (e.g. entertainment and leisure, retail, food and drink).
- Have a capacity of 100-799 individuals.

Please cross or highlight one box only and then go to the specified question.

- 1 Yes → Read the following information box and then go to QC
- 2 No → Read the following information box and then go to QC
- 99 Don't know → Read the information box below and then go to QC
- 3 I don't own or operate any premises → Read the following information box and then go to QE



- If you own or operate multiple premises, please answer the questions in the rest of this survey by reference to one particular Standard Tier site.
- This survey is about Standard Tier premises, but we still welcome your views even if you do not own or operate Standard Tier premises.

QC. IF YOU ANSWERED 'YES' AT QB: What is the estimated capacity of your Standard Tier premises based on capacity calculations you already have in place?

IF YOU ANSWERED 'NO' OR 'DON'T KNOW' AT QB: What is the estimated capacity of your premises based on capacity calculations you already have in place? If you own or operate multiple premises, please provide an answer based on your typical capacity size.

Please cross or highlight one box only and then go to QD.

- 1 Less than 100
- 2 100-199
- 3 200-299
- 4 300-399
- 5 400-499
- 6 500-599
- 7 600-699
- 8 700-799
- 9 800 or more (i.e. Enhanced Tier premises)
- 99 Don't know
- 11 Not calculated presently
- 12 I don't own or operate any premises

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

QD. IF YOU ANSWERED 'YES' AT QB: How many people work for you or your organisation (whether paid or not) at your chosen Standard Tier site (in relation to which you are answering this survey)?

IF YOU ANSWERED 'NO' OR 'DON'T KNOW' AT QB: How many people work for you or your organisation (whether paid or not)? If you own or operate multiple premises, please provide an answer based on your typical capacity size.

Please cross or highlight one box only and then go to QE.

- 1 Zero
- 2 1-4
- 3 5-9
- 4 10-24
- 5 25-49
- 6 50-99
- 7 100-199
- 8 200-399
- 9 400-499
- 10 500 or more
- 11 I don't own or operate any premises
- 99 Don't know

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

QE. Which of the following best describes the nature of your organisation?

Please cross or highlight one box only and then go to QF.

- 1 Company
- 2 Sole trader
- 3 Partnership
- 4 Not for profit
- 5 Local government
- 6 Unincorporated association
- 98 Other → Please specify in the box below ✍
- 99 Don't know
- 97 Prefer not to say

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

QF. In which of the following sectors do you or your organisation primarily operate?

Please cross or highlight one box only and then go to QG.

- 1 Retail, e.g. stores or shopping centres
- 2 Hospitality and nightlife, e.g. bars, pubs, restaurants, cafés, nightclubs and other public clubs
- 3 Entertainment, e.g. theatres, cinemas, and concert halls and arenas
- 4 Sports grounds
- 5 Recreation and leisure, e.g. public sports/leisure centres, ice rinks and gyms
- 6 Public libraries, museums and galleries
- 7 Public conference centres, exhibition halls and other venues for hire
- 8 Visitor attractions
- 9 Hotels, holiday parks and similar holiday accommodation
- 10 Places of worship
- 11 Healthcare
- 12 Education and childcare
- 13 Public transport, including trains stations, ports and airports
- 14 Public services and facilities
- 15 Village hall/community centre
- 98 Other sector
- 99 Don't know
- 97 Not applicable

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

QG. In which part of the UK are you based?

Please cross or highlight one box only and then go to Section 2.

- 1 North East
- 2 North West
- 3 Yorkshire and the Humber
- 4 East Midlands
- 5 West Midlands
- 6 East of England
- 7 South East exc. London
- 8 London
- 9 South West
- 10 Scotland
- 11 Wales
- 12 Northern Ireland
- 13 I'm not based in the UK

Section 2: Your views on the proposed Standard Tier



- Thank you for your responses so far. The next section of this survey is about the proposed Standard Tier
- The current threat picture is complex, evolving, and enduring, with terrorists choosing to attack a broad range of locations. Martyn's Law will ensure premises in the UK are better prepared for and protected from terrorist attacks, therefore reducing their impact.
- The UK Government's view is that the Standard Tier will drive good preparedness outcomes. Those responsible for Standard Tier premises will be required to undertake simple yet effective activities designed to increase staff awareness of the right protocols and procedures to follow in the event of a suspected attack. The ultimate aim of this approach is to reduce harm to staff and the general public.

Q1. To what extent do you agree or disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

Please cross or highlight one box only and then go to the specified question.

- 1 Strongly agree → Go to the information above Q2
- 2 Agree → Go to the information above Q2
- 3 Neither agree nor disagree → Go to the information above Q2
- 4 Disagree → Go to Q1a
- 5 Strongly disagree → Go to Q1a
- 99 Don't know → Go to the information above Q2

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q1a. Which of the following best describes why you disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

Please cross or highlight one box only and then go to the information above Q2.

- 1 I believe it is only for the Government to be prepared to reduce the impact of terrorism
- 2 I don't believe the obligation should be legal
- 3 I believe only larger premises should have a legal obligation
- 4 I don't believe that premises of any size should have a legal obligation
- 5 I don't believe that there should be any responsibility for premises to be prepared for a terrorist attack
- 98 Other → Please specify in the box below ✍
- 99 Don't know



- As outlined in paragraph 18, we (the UK Home Office) have revised the requirements in the Standard Tier. Those responsible for Standard Tier premises will be required to have in place reasonably practicable procedures to follow in the event of an attack. We have also removed the requirement for specific terrorism protection training. Instead, training or instruction will be what is sufficient and appropriate to ensure procedures are effectively in place in light of their circumstances and that staff are aware of the actions to take and protocols to follow in the event of an attack. Guidance will assist those responsible for standard duty premises.

Q2. To what extent do you agree or disagree that ‘the revised requirements for the Standard Tier are more appropriate for the broad spectrum of premises in scope, as outlined at paragraph 18 (e.g. village halls to a 799-seater theatre), than the previous requirements outlined in the Draft May 2023 Bill’ (key changes outlined at paragraphs 40 and 41)?

Please cross or highlight one box only and then go to the specified question.

- 1 Strongly agree → Go to Q2a
- 2 Agree → Go to Q2a
- 3 Neither agree nor disagree → Go to Q3
- 4 Disagree → Go to Q2b
- 5 Strongly disagree → Go to Q2b
- 99 Don't know → Go to Q3

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q2a. Why do you agree that the revised requirements are more appropriate than the previous requirements?

Please cross or highlight all boxes that apply and then go to Q3.

- 1 I think the proposed changes make the Standard Tier clearer
- 2 I think the proposed changes remove unnecessary administrative burden for small premises
- 3 I think the proposed changes are more appropriate for the broad spectrum of organisations in scope
- 4 I think the proposed changes will be more proportionate for businesses
- 98 Other → Please specify in the box below ✍
- 99 Don't know

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q2b. Why do you disagree that the revised requirements are more appropriate than the previous requirements?

Please cross or highlight all boxes that apply and then go to Q3.

- 1 I don't think the proposed changes make the Standard Tier clearer
- 2 I don't think the proposed changes go far enough to remove unnecessary burdens for small premises
- 3 I don't think the proposed changes are more appropriate for the broad spectrum of organisations in scope
- 4 I don't think the proposed changes will be more proportionate for businesses
- 98 Other → Please specify in the box below ✍
- 99 Don't know

Q3. How successful, if at all, do you think the revised Standard Tier requirements will be at improving feelings of safety for staff and visitors at premises within the Standard Tier?

Please cross or highlight one box only and then go to the specified question.

- 1 Very successful → Go to Q4
- 2 Moderately successful → Go to Q4
- 3 Slightly successful → Go to Q3a
- 4 Not at all successful → Go to Q3a
- 99 Don't know → Go to Q4

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q3a. Why do you think the Standard Tier requirements will not be or will only be slightly successful at improving feelings of safety for staff and visitors at premises within the Standard Tier?

Please cross or highlight one box only and then go to Q4.

- 1 Premises already do the things that the Standard Tier would now require
- 2 I don't think the revised requirements will have any positive impact
- 3 I think other things are required to improve feelings of safety for staff and visitors
- 98 Other → Please specify in the box below ✍
- 99 Don't know

Q4. How easy or difficult do you think it will be for those responsible for Standard Tier premises to take forward the revised requirements (outlined in paragraph 18)?

Please cross or highlight one box only and then go to the specified question.

- 1 Very easy → Go to Q5
- 2 Easy → Go to Q5
- 3 Neither difficult nor easy → Go to Q5
- 4 Difficult → Go to Q4a
- 5 Very difficult → Go to Q4a
- 99 Don't know → Go to Q5

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q4a. Why do you think the revised requirements will be difficult for those responsible for Standard Tier premises to take forward?

Please cross or highlight all boxes that apply and then go to Q5.

- 1 The requirements are too complicated to implement
- 2 The requirements are too burdensome (in terms of time/effort) to implement
- 3 The requirements are too costly to implement
- 98 Other → Please specify in the box below ✍
- 99 Don't know

Q5. What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?

Please write your answer below ✍ OR cross or highlight one box only and go to the next information box.

- 1 I don't think there will be any unintended consequences
- 99 Don't know



- Information in this box relates to Q6, Q6a and Q7.
- Q6 should only be answered by Standard Tier premises operators/owners excluding consultants – this applies if you answered with option 1, 2 or 3 at QA and option 1 at QB. Please read the following information and then answer Q6.
- All others should read the information in this box and then go to Q7.
- Following on from Impact Assessment detail in paragraphs 42-45, below is a summary of the costs of the Standard Tier of Martyn's Law:
- The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV/Present Value) over the full appraisal period of 10 years. This is an economic cost from working hours being taken up to complete counter-terrorism planning and training, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year. This is likely an upper estimate, with the addition of a reasonably practicable test meaning that some sites will face reduced costs. For more information, you can read Annex A.

Q6. How concerned, if at all, are you that the cost of meeting the Standard Tier requirements will affect your organisation's financial ability to continue operating?

Please cross or highlight one box only and then go to the specified question.

- 1 Not at all concerned → Go to Q7
- 2 Slightly concerned → Go to Q7
- 3 Somewhat concerned → Go to 6a
- 4 Very concerned → Go to Q6a
- 5 Extremely concerned → Go to Q6a
- 99 Don't know → Go to Q7

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q6a. You indicated that you're concerned about your organisation's ability to meet the cost of Standard Tier requirements. Please help us understand your concerns by providing detail below.

Please write your answer below  and then go to Q7.

99 Don't know

Q7. Given this cost assessment, how would you think any costs of the Standard Tier should be met?

Please cross or highlight one box only  and then go to the information above Q8.

- 1 **All** the cost should be met by the **customers** of the premises where possible
- 2 **Most** of the cost should be met by **customers** of the premises
- 3 The costs should be **shared** equally by the premises owner/operator and the customers of the premises
- 4 **Most** of the cost should be **absorbed** by the premises owner/operator and only a minimum passed on to the customers
- 5 **All** of the cost should be **absorbed** by the premises owner/operator and none should be met by the customers of the premises
- 99 Don't know



- As outlined in paragraphs 29-32, the training expected as a result of the proposals is now limited to that which forms part of ensuring that there are effective procedural measures to reduce the risk of harm in the event of a terrorist attack. Workers must have sufficient awareness of what they need to do in the event of an attack, i.e. the procedure to be followed, for such measures to be in place. Organisations should ensure training is right for their specific needs and relevant to the roles of specific staff.

Q8. Do you think the new approach to training places more or less burden on Standard Tier organisations compared to the previous approach (as outlined in paragraphs 40 and 41)? By “burden”, we mean any burden including financial, time, effort or other.

Please cross or highlight one box only and then go to the specified question.

- 1 Much more burden with the new approach → Go to Q8a
- 2 More → Go to Q8a
- 3 About the same → Go to the information above Q9
- 4 Less → Go to the information above Q9
- 5 Much less burden with the new approach → Go to the information above Q9
- 99 Don't know → Go to the information above Q9

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q8a. Why do you think there is more burden on Standard Tier organisations with the new approach compared to the previous approach? Please provide detail below.

Please write your answer below ✍ OR cross or highlight one box only and then go to the information above Q9.

99 Don't know



- Q9 should only be answered by Standard Tier premises operators/owners or those who are security consultants or are responsible for security at premises or events – this applies if you answered with option 3 or 5 at QA or option 1 at QB. Please read the following information box and then answer Q9.
- All others should go to Q10.



- Standard Tier requirements will focus on procedures to be enacted in the event of an attack as set out at paragraph 22. These surround evacuation, invacuation, securing the premises and communicating with individuals on the premises. Security partners advise that consideration of these activities, in the event of an attack, will lead to the most relevant and effective actions to save lives. These procedures focus on activities that will help to keep people away from danger.

Q9. We'd like to hear about any other procedures that could be utilised in Standard Tier premises were a terrorist attack to occur further to the above (i.e. other than evacuation, invacuation, lockdown and communications procedures). Please type them in the space below.

Please write your answer below  and then go to Q10.

99 Don't know

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q10. Do you think the Standard Tier procedures in Martyn’s Law place more or less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? By “burden”, we mean any burden including financial, time, effort or other.

Please cross or highlight one box only and then go to the specified question.

- 1 Much more burden in Martyn’s Law than for Health & Safety and Fire Safety →
Go to Q10a
- 2 More → Go to Q10a
- 3 About the same → Go to Q10b
- 4 Less → Go to Q10c
- 5 Much less burden in Martyn’s Law than for Health & Safety and Fire Safety →
Go to Q10c
- 99 Don’t know → Go to the information above Q11

Q10a. Why do you say that the Standard Tier procedures in Martyn’s Law will place more burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Please write your answer below ✍ OR cross or highlight one box only and then go to the information above Q11.

- 99 Don’t know

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q10b. Why do you say that the Standard Tier procedures in Martyn's Law will place about the same burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Please write your answer below  and then go to the information above Q11.

99 Don't know

Q10c. Why do you say that the Standard Tier procedures in Martyn's Law will place less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Please write your answer below  and then go to the information above Q11.

99 Don't know



- Q11 and Q12 should only be answered by Standard Tier premises operators/owners – this applies if you answered with option 1 at QB and any of options 2-8 at QC.
- All others should go to the information box after Q12a.

Q11. If volunteers work at your premises, who is responsible for planning Health & Safety and Fire Safety policies and procedures?

Please cross or highlight one box only and then go to Q12.

- 1 Only paid employees are responsible
- 2 Volunteers are responsible in the same way as paid employees
- 3 Volunteers are responsible but not in the same way as paid employees
- 97 Not applicable – there are no volunteers working at my premises
- 99 Don't know

Q12. If volunteers work at your premises, what arrangements do you make for training on Health & Safety and Fire Safety?

Please cross or highlight one box only and then go to the specified question.

- 1 Only paid employees complete mandatory training → Go to the information box after Q12a
- 2 Volunteers are trained in the same manner as paid employees → Go to the information box after Q12a
- 3 Volunteers undertake different training from paid employees → Go to Q12a
- 97 Not applicable – there are no volunteers working at my premises → Go to the information box after Q12a
- 99 Don't know → Go to the information box after Q12a

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

Q12a. How does training on Health & Safety and Fire Safety for volunteers differ, if at all, from that for paid employees? Please provide detail below.

Please write your answer below ✍ OR cross or highlight one box only and then go to the information box below.

99 Don't know



- Thank you for responding to the consultation survey. You have answered all questions.

Contact details and how to respond

Please send your response by 18 March 2024 via the URL above.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the below address.

Extra copies

Alternative format versions of this publication can be requested from MartynsLaw@homeoffice.gov.uk

Or

Terrorism (Protection of Premises) Bill Consultation
Protect and Prepare 4th Floor Peel Building,
Homeland Security Group
Home Office
2 Marsham Street,
London, SW1P 4DF.

Publication of response

A paper summarising the responses to this consultation will be published once the Bill is introduced to Parliament. The response paper will be available online at GOV.UK .

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

This research is being conducted by Verian, on behalf of the UK Home Office, to understand views towards the proposed Standard Tier requirements. Completion of the survey should take around ten minutes but is dependent on the level of detail you wish to provide. Verian's privacy policy can be found here: <https://www.veriangroup.com/uk-surveys>

Terrorism (Protection of Premises) Bill - Standard Tier Consultation

The data you submit in the survey will be confidential and used only for the research purpose of understanding views towards the proposed Standard Tier requirements. The survey does not ask for any personally identifiable information, and therefore only anonymous survey data will be shared with the Home Office. We ask that you do not provide any personal data in the survey. If you wish to contact the Home Office directly about this consultation, you can contact:

Email: MartynsLaw@homeoffice.gov.uk

Or

Terrorism (Protection of Premises) Bill Consultation
Protect and Prepare 4th Floor, Peel Building,
Homeland Security Group
Home Office
2 Marsham Street,
London, SW1P 4DF

Participation in this survey is entirely voluntary. If at any point you wish to withdraw from the survey, you are free to do so without obligation.

Research conducted by Verian is in accordance with the MRS Code of Conduct.

Annex A - Impact Assessment

Changes to the Martyn's Law Impact Assessment Since Pre-Legislative Scrutiny

1. The Home Office previously published an impact assessment (IA) for Martyn's Law in May alongside a draft of the bill.
2. Since then, Martyn's Law has changed in certain areas and this annex summarises the changes and reasoning behind the changes.

Headline Changes

3. Overall, the IA has become cheaper and slightly less burdensome on business due to changes in the contents of the bill as well as improvements to the evidence base on Martyn's Law. A summary of these changes can be found in the table below. All figures in this document are in 2022 Prices and 2024 Present Value.

Part of the IA	Estimate Value	Previous Estimate	Current Estimate	Change
Net Present Social Value (£ million)	Central:	-£2,725.3	-£2147.3	-£578.0
	High:	-£6,329.0	-£5522.6	-£806.4
	Low:	-£1,083.7	-£726.3	-£357.4
Estimated Yearly Cost to Business (£ million)	Central:	£303.7	£246.2	-£57.5
	High:	£715.5	£635.0	-£80.5
	Low:	£119.8	£85.0	-£34.8
Total Cost (£ million)	Central:	£2,743.8	£2165.8	-£578.0
	High:	£6,336.6	£5530.2	-£806.4
	Low:	£1,120.6	£763.2	-£357.4
Total Benefit (£ million)	Central:	£18.4	£18.4	£0.0
	High:	£36.9	£7.6	£0.0
	Low:	£7.6	£36.9	£0.0
Annual Cost to a Standard Tier Premise (£)	Central:	£216	£309	+£93
	High:	£354	£526	+£172
	Low:	£119	£161	+£42
Annual Cost to an Enhanced Tier Premise (£)	Central:	£8,232	£5139	-£3093
	High:	£16,219	£12286	-£3933
	Low:	£4,128	£1886	-£2242

Individual Changes

Standard Tier

4. In the Standard Tier, the cost has increased due to the addition of clauses relating to the Counter Terrorism Planning element of the tier and increased accuracy. In light of the requirement to make sure staff are aware of the procedural measures, the cost of an additional 15 minutes in the first year and 7.5 minutes for each subsequent year, for staff to make themselves aware of the procedures has been added. The addition of a reasonably practicable test means that this cost estimate will likely be an upper estimate as sites may decide some of the requirements are not reasonably practicable to implement, and therefore face lower costs.

5. This has raised the cost of the tier by roughly £250 million over the ten year appraisal period, with the central estimate for the cost of this tier increasing from £602.5 million to £860.4 million (central estimate).

Enhanced tier

6. In the Enhanced Tier, the cost has decreased due to more evidence on the time taken to complete the risk assessment as well as changes to the training requirements.

7. The risk assessment time has changed due to greater evidence surrounding the possible time taken to complete a risk assessment. This means the estimated time per site has decreased from 367.5 hours to 30 hours. This is based on looking at literature about the burden which Health and Safety risk assessments place on firms and the average time taken to complete these documents.

8. The training requirement for staff in the enhanced tier has remained stable with 10% of staff being trained but staff are estimated to undertake training for three hours rather than the previous one hour.

9. Overall, the effect of both changes has led to the estimated cost of the enhanced tier decreasing from £1,997.8 million to £1,247.2 million (central estimate), a decrease of roughly £750 million.

Regulator

10. The cost of the Regulator changed due to revisions around the possible costs of delivery. This has decreased the estimated cost from £130.4 million to £57.7 million (central estimate).

Benefits

11. The monetised benefits remain the same, but the non-monetised benefits section now includes reference to newly published cost estimates. This includes the estimated cost of all the 2017 attacks, estimated to be £181.1 million. Additionally, the indirect cost of the 2017 attacks has been estimated by RAND Europe to cost an estimated £3.5 billion. Martyn's Law would apply to two of the five locations attacked in 2017, Manchester Arena (22 deaths) and London Bridge/Borough Market (8 deaths).

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/consultations/martyns-law-standard-tier-consultation>

Any enquiries regarding this publication should be sent to us at MartynsLaw@homeoffice.gov.uk

This page is intentionally left blank