



## Licensing Committee

Date: Monday, 20 January 2020

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** - Ludford, Grimshaw, Andrews, Evans, Flanagan, Hassan, Hewitson, Hughes, Jeavons, T Judge, Lynch, Lyons, Madeleine Monaghan, Reid and Stone

## Agenda

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- 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 - 6  
To approve as a correct record the minutes of the meeting held on 9 September 2019.
- 5. Update of Model Conditions under the Licensing Act 2003 incorporating Martyn's Law proposals** 7 - 28  
The report of the Director of Planning, Building Control and Licensing is enclosed.

## Information about the Committee

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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 OBE  
Chief Executive  
Level 3, Town Hall Extension,  
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## Further Information

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

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This agenda was issued on **Friday, 10 January 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## **Licensing Committee**

### **Minutes of the meeting held on Monday, 9 September 2019**

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** Evans, Flanagan, Hassan, Hughes, Jeavons, T Judge, Lynch, Lyons, Reid and Stone

**Apologies:** Councillor Ludford, Andrews, McHale and Madeleine Monaghan

#### **LHP/19/14 Minutes**

##### **Decision**

To approve as a correct record the Minutes of the meeting held on 4 March 2019.

#### **LHP/19/15 Licensing (Premises applications between 1 January 2018 and 31 December 2018**

The Committee considered the report detailing decisions made in relation to applications managed by the Premises Licensing Team.

##### **Decision**

To note the report submitted.

#### **LHP/19/16 Licensing Update Report**

The Committee considered a report providing with an overview of topical information relevant to premises licensing functions of the licensing authority.

##### **Decision**

To note the report submitted.

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Committee – 20 January 2020

**Subject:** Update of Model Conditions under the Licensing Act 2003 incorporating Martyn’s Law proposals

**Report of:** Director of Planning, Building Control & Licensing

**Summary**

The report provides the Licensing Committee with relevant considerations for how the principles of the proposed Martyn’s Law could be incorporated within the licensing regime.

**Recommendations**

The Committee is asked to note the contents of the report and approve the proposal to consult on the Council’s revised the Council’s suite of Model Conditions to incorporate conditions consistent with the requirements of Martyn’s Law.

**Wards Affected:** All

<b>Environmental Impact Assessment</b> - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city
Not applicable to the contents of this report

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
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	An effective licensing regime works with Operators and other agencies to ensure as far as it is able, matters of equality and local issues.
A liveable and low carbon city: a destination of choice to live, visit and work.	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications to safeguard local place based interests. Representations have to be directly related to the licensing objectives; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.
A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences – Revenue - None**

**Financial Consequences – Capital - None**

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**Background documents (available for public inspection):**

None

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## 1.0 Introduction

The report provides the Licensing Committee with relevant considerations for how the principles of the proposed Martyn's Law could be incorporated within the Licensing regime.

## 2.0 Overview of Martyn's Law

2.1 Named after Martyn Hett, one of the 22 victims of the Manchester Arena terror attack, and campaigned for by Survivors Against Terror - a network of family members who have lost a loved one to terror and survivors of terror that includes Martyn's mother, Figen Murray, and Brendan Cox, husband of murdered MP Jo Cox - Martyn's Law is a proposed piece of legislation that aims to increase and legally standardise security and counter-terror policies at public venues.

2.2 Martyn's Law consists of 5 requirements:

1. **A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training**
2. **A requirement for those places to conduct vulnerability assessments of their operating places and spaces**
3. **A requirement for those places to mitigate the risks created by the vulnerabilities**
4. **A requirement for those places to have a counter-terrorism plan**
5. **A requirement for local authorities to plan for the threat of terrorism**

2.3 Further detail on the background to Martyn's Law is provided in the report attached at Appendix 1.

## 3.0 Ability to introduce the conditions on new and existing licences

3.1 Central government is exploring the implementation of Martyn's Law as national legislation for any place or space to which the public have access. Any changes will take some time; therefore, Manchester City Council is seeking to incorporate its principles within the existing licensing framework to enhance and promote public safety in places and spaces where licensable activities take place in Manchester.

3.2 A report to the Council's Executive on 15 January 2020 sets out our response to Martyn's Law and our commitment to build safer and stronger communities. As the Licensing Authority, there is an opportunity to assist this through updating the Council's suite of Model Conditions to incorporate prospective conditions that could be included on premises licences and club premises certificates to give effect to Martyn's Law in licensed places and spaces.

- 3.3 Members will be aware that Licence conditions may be attached to a new licence either:
- a) voluntarily where proposed by an applicant in their operating schedule;
  - OR
  - b) imposed by the licensing authority following a hearing where deemed appropriate for the promotion go the licensing objectives.
- 3.4 On existing licences conditions may be attached:
- a) through a minor variation or full variation either voluntarily where proposed by an applicant in their operating schedule or, where representations are received, imposed following a hearing;
  - OR
  - b) following a licence review where problems have arisen at a licensed premises
- 3.5 It should be noted that paragraph 10.8 of the s182 Guidance to the Licensing Act 2003 states:

*“The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.”*

- 3.6 Paragraph 10.10 goes on to state:

### ***Proportionality***

*“The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.”* (underlining my emphasis)

- 3.7 As the s182 Guidance states, conditions cannot be imposed on new or existing licences where it is disproportionate, or not appropriate, for the promotion of the licensing objectives, to do so. However, it is noted that Martyn's Law recognises that different requirements will apply to different venues: for small venues, it is suggested that this may simply require an addition to their already mandated fire plan, whereas for bigger, more complex venues it will require a more holistic approach.
- 3.8 Given there no definitive security vulnerability assessment for use by licensed premises, it is intended to explore the potential development of a template for use by venues, which can be scaled appropriately with regard to the nature and scale of the premises, in order to promote consistency and to aid adoption.

#### **4.0 Proposed conditions**

- 4.1 The elements of the proposed Martyn's Law that could be applied through the existing licensing regime have been considered and the following conditions have been drafted in response. It is proposed that these conditions be considered for inclusion where applicable on new licences, and to be applied where possible and relevant on existing licences (should a review of variation of an existing licence be applied for):
1. At all times that the premises are open to the public for licensable activities, a minimum of 25% of staff on-duty at the premises and all on-duty managers must have completed ACT : Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT : Operational or ACT : Strategic training.
  2. The Designated Premises Supervisor must complete the ACT : Awareness training and ACT : Operational or ACT : Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
  3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
  4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon

request to any police officer or an authorised officer of Manchester City Council.

5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', 'Shelter' and 'Communicate' -
  - Guide – Direct people towards the most appropriate location (invacuation, evacuation, hide)
  - Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours
  - Communicate – Have a means of communicating effectively and promptly with users of your place or space and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

## 5.0 Counter-Terrorism Training Packages

- 5.1 Martyn's Law proposes that staff at venues have completed relevant counter terrorism training available and these courses are summarised below. The document at Appendix 2 provides an overview of the full range of training courses available from the Counter Terrorism Policing service.
- 5.2 **ACT : Awareness eLearning** is a new online counter-terrorism (CT) awareness product designed for all UK based companies and organisations and available to the public. Devised by CT officers and security experts, it provides nationally recognised corporate CT guidance to help people better understand, and mitigate against, current terrorist methodology. The following eLearning Modules are available:
  1. Introduction to Terrorism
  2. Identifying Security Vulnerabilities
  3. How to Identify and Respond to Suspicious Behaviour
  4. How to Identify and Deal with a Suspicious Item
  5. What to do in the Event of a Bomb Threat
  6. How to Respond to a Firearms or Weapons attack
  7. Summary and Supporting Materials
- 5.3 **ACT : Awareness** training can also be delivered through face-to-face delivery by Counter Terrorism Security and Awareness Advisors (CTSAs/CTAAs) upon arrangement with the local CTSA office.
- 5.4 **ACT : Operational** is a table-top, scenario based exercise designed to test the plans and policies of an organisation when responding to a terrorist attack. Recommended for operational management levels, audio and visual clips will be used to illustrate the different stages of an unfolding attack. Delegates are required to consider their response to the scenario in line with their

organisation's existing plans and policies, affording them an invaluable opportunity to enhance their knowledge and understanding of them, and the role they will play in their implementation. The input is delivered by Counter Terrorism Security Advisors (CTSA) and Counter Terrorism Awareness Advisors (CTAAs) who will facilitate group discussions as well as providing best-practice guidance and signposting to further advice. ACT : Operational inputs run for approximately three hours, allowing for a short break.

- 5.5 **ACT : Strategic** explores ways to aid businesses in preventing, managing, and recovering from a terrorist attack. The input features a discussion based exercise where delegates will be faced with a series of questions and dilemmas to resolve, benefitting from the sharing of the latest advice, guidance, and best-practice. ACT Strategic is aimed at those responsible for writing policies/procedures or strongly influencing them. Delegates are asked to have completed ACT: Awareness prior to attending and to have knowledge of their organisation's emergency response plans, as well as the authority to effect changes to or reviews of these plans.
- 5.6 In terms of the training set out above, the ACT: Awareness eLearning is publicly available online and so freely accessible. However, ACT : Operational and ACT : Strategic are delivered in face-to-face sessions by local Counter Terrorism officers. Therefore, the ability for venue managers to complete this training may be constrained by the availability of this training, particularly having regard to the number of licensed premises. This is a matter that will be discussed further with CT officers to reduce any barriers to access to training.

## 6.0 Next Steps

- 6.1 It is proposed to consult on the revision of the suite of Model Conditions. Following that consultation, a report will be brought back to the Licensing Committee for consideration of approval of the final model conditions.
- 6.2 We will seek to explore the viability of the training and assessment elements as part of the public consultation.
- 6.3 We will engage with prospective applicants and their representatives to encourage the inclusion of the Martyn's Law model conditions as proposed steps in their application operating schedule when making applications, which, in turn, would become conditions on any licence granted.
- 6.4 The successful, widespread adoption of Martyn's Law across licensed premises in Manchester goes much further than just applications for new premises licences. Therefore, we will also engage with existing licensed premises to encourage their voluntary adoption of the requirements in their current operating practices.
- 6.5 At this time we are in the early stages of developing a voluntary scheme to recognise good practice by licensed premises, which it is envisaged will support and help drive the adoption of Martyn's Law across city centre venues. The voluntary scheme is a multi-agency approach which reflects how

the city works collaboratively in responding to issues arising from the night time economy.

- 6.6 Finally, we will seek to incorporate Martyn's Law in the Council's revised Statement of Licensing Policy, which will come into effect in 2021.

## **7.0 Key Policies and Considerations**

- 7.1 The proposals will integrate with the Council's Statement of Licensing Policy under the Licensing Act 2003.

## **8.0 Conclusion**

- 8.1 The Committee is asked to note the contents of the report and approve the proposal to consult on the revised suite of Model Conditions to incorporate conditions consistent with the requirements of Martyn's Law.

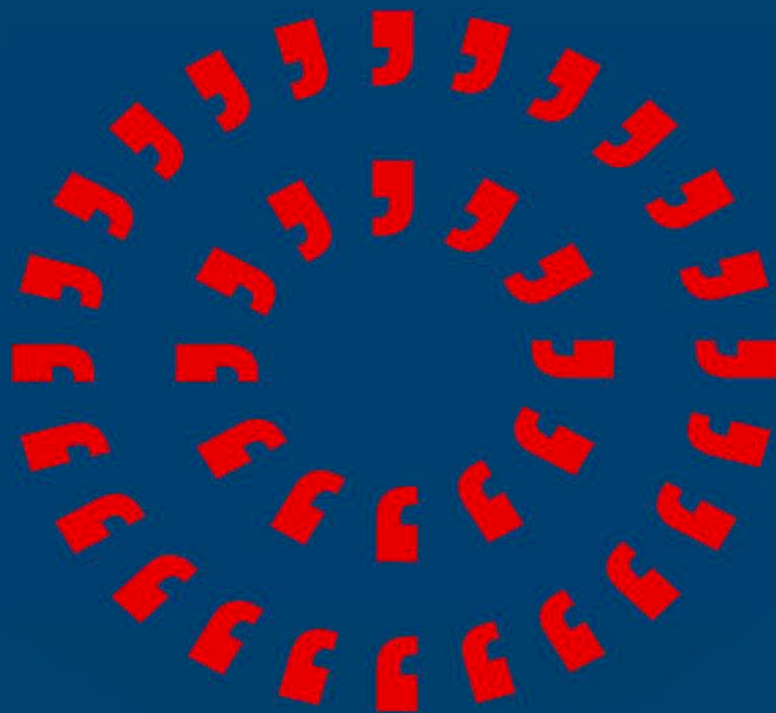


**Survivors**  
against terror



# Martyn's Law

**Proposed new legislation to provide better protection from terrorism for the British Public.**



## Foreword by Figen Murray, mother of Martyn Hett

Our life as an ordinary family ceased on 22nd May 2017 when our son Martyn was murdered in a terrorist attack at the Manchester Arena. As a parent I might have been excused if I had disintegrated at that point. But I tried not to do that, but instead to channel my experience to help others.

Exactly what that would mean I didn't at the time know, but a year later after a theatre trip in Manchester where no security checks were performed, I knew that pushing for improved security was where I would focus.

I had wrongly assumed that since the attack in May 2017, venues would have learnt their lesson and would have put stringent security checks in place. I was devastated to see that this was not the case. It felt as if what happened in Manchester on that fateful night had been forgotten.

I never set out to be an activist or to stir things up. However, the threat level to the UK from terrorism is currently stated as 'Severe'. This means that a terrorist attack is 'highly likely'. As a parent who lost her son, I know only too well that nobody is immune from violence of this nature. We cannot predict when and where an attack can happen. So as well as trying to track down terrorists before they commit atrocities, we also need to get better at protecting the public from the attacks we cannot foil.

That means putting in place basic security procedures so that every venue and public space has a plan. Of course, what this would look like will be dependent on the venue and the circumstances. Martyn's Law doesn't advocate a one size fits all approach, it's all about having a plan relevant to the threat. It seems absurd to me that we have legislation that sets out how many toilets a venue must have and how food must be prepared, but nothing that holds those same venues responsible for having basic security in place.

Martyn's Law isn't going to stop terrorism. Nothing can do that. But I do hope that if the government legislate for Martyn's Law then it will mean simple common sense security will make it much harder to inflict mass casualties and fewer people will have to suffer what I and the parents of the 21 other bereaved families of Manchester have had to endure.



## Foreword by Nick Aldworth, retired Chief Superintendent, Metropolitan Police

In 2017, I was the Metropolitan Police Services Counter Terrorism Protective Security Lead for London. It was my privilege to lead a team of about 300 CT experts, all of whom had a passion for protecting people from harm. While we had observed multiple attack methodologies overseas, there had been no terrorist attacks since the murders of Jo Cox MP in 2016 and Fusilier Lee Rigby, three years earlier. We were only just starting to understand these attacks for what they were. I felt confident that we had learned from what was happening elsewhere and that my tenure as the unit commander would be marked by nothing happening 'on my watch'.

As I travelled home on 22 March 2017, I took the first of many phone calls that year, that would challenge all my beliefs in what I, as an employee of the state, could realistically achieve. A new reality set home, despite our best efforts, we couldn't predict when, where and how attacks would occur anymore; I couldn't defend the public I had sworn to serve and protect.

On 22 May 2017, I was awoken by my wife who had stayed up late and watched the news, she showed me a breaking news story about an 'incident' in Manchester. The murder of Martyn Hett and 21 others had already occurred by the time I called into work to see what I, and my team, could do to protect London.

At this time I, and many others in CT Policing, started to call for greater involvement of businesses in countering the multi-faceted threats that were now upon us. We started to call for a 'Protect Duty' as it was obvious that the policing alone, could not keep the public safe. We know our calls were heard by government but it was clear that our views of what needed to be done had not, and still have not, converged.

After the London Bridge and Borough Market attack, we were approached by a survivor, Natalie Tait, who asked to try and help her campaign for better preparation within crowded places and spaces. Natalie felt that the business she was in during the attack could have done much better.

The rest of 2017 unfolded with the attack on Finsbury Park. Then we got lucky, very lucky. A bomb at Parson's Green, failed to initiate properly, potentially preventing hundreds of fatalities.

In 2018, I met Figen Murray and learned that she too was concerned about the lack of security in places that could easily be viewed as terrorist targets. I was struck by this woman's humility, courage and compassion and the simplicity of what she called for. I asked her to speak to an audience of 400 security industry representatives in early 2019, and she moved many a hardened security practitioner to tears. Importantly, she persuaded the defence and security industry representative body, ADS, to back her campaign. As a tribute to Figen and her amazing son

Martyn, we agreed to refer to ‘Martyn’s Law’ as our call to action for that conference.

I retired in May 2019 from a 36 year career in the military and police service. I was exhausted and desperately sad to leave so many amazing colleagues with so much unfinished work. Part of that unfinished work is Martyn’s Law. However, I have a voice and expertise that is still of value and, despite moving into new endeavours, I am passionate about seeing the creation of Martyn’s Law.

The British Public need to be protected and Martyn’s Law is the only way to mobilise the action that will ensure this. In a world of ambiguity, it is the clear and right thing to do and I will support it in any way that I am able to as a tribute to an amazing young man and all those others who were murdered ‘on my watch’.

## Introduction

This paper proposes the introduction of new legislation to provide better protection from terrorism for the British Public. It is produced in honour of the life of Martyn Hett and the 35 other people murdered, and hundreds injured, by extremists in the UK in 2017. Its aim is to help reduce the number of families who have to go through what their families have by making the United Kingdom better protected from terrorism and more prepared to deal with the consequence of it, while maintaining a free and open society.

Martyn’s Law should therefore be a key part of delivering the UK’s wider Counter Terrorism Strategy 2018 (CONTEST).

Of course, we know all too well that terrorism will never disappear and that even the best laws and best protection won’t be able to stop every determined terrorist. But we also know that through simple planning and basic steps that some attacks could be disrupted, deterred or opportunities denied; and others would be less deadly.

We recognise that there is a balance to be struck; we don’t want terrorism to fundamentally change our society or lead to a country that is less free or vibrant. That’s why Martyn’s Law simply seeks to create clarity of responsibility and encourage good protective security practice; be it something as simple as searching bags on entry to premises or a more sophisticated ap-

proach for larger crowded places. It seeks to ensure that public bodies are prepared for terrorism and able to deal with its aftermath. It proposes that training and awareness are made available, and adopted, so that people can protect themselves and the communities in which they live. It will fill gaps in existing legislation while also working hand in glove with related areas of law such as planning.

Above all, Martyn’s Law seeks to create parity and coherence with all the other strands of CONTEST. This will ensure that the safety net of protective security and preparedness will be there when those who don’t wish to be deradicalized reject the support offered through the Prevent Duty, or are not spotted by the security and policing services operating under the Pursue strand of CONTEST. In short, Martyn’s Law will be the last piece of the legislative jigsaw that will ensure that British Citizens at home and abroad, can go about their lives knowing that they are as safe as possible.

## Background

Terrorist groups use violence and threats of violence to publicise their causes and as a means to achieve their goals. They often aim to influence or exert pressure on governments and government policies but reject democratic processes, or even democracy itself. Terrorism and extremism have existed for Centuries with different motivating factors. In the UK we all recall the Gunpowder plot of 1605 each Bonfire Night. This was in fact a pro- Catholic plot to kill the King

by placing explosives under the Palace of Westminster. Most notable though was the rise of Irish Republicanism in the 19th century leading to many atrocities with the Fenian Brotherhood active in London and Manchester in the late 1800s. During the [20th century](#), there was a sustained campaign of high profile attacks on the mainland by various [Irish Republican Army \(IRA\)](#) groups linked to the conflict in Northern Ireland ([which became known as 'the Troubles'](#).) In the late 20th century there were also attacks by [Middle Eastern](#) terrorist groups, most of which were linked to the [Arab–Israeli conflict](#). During the [21st century](#), the majority of terrorist incidents in Britain have been linked to radical interpretations of Islam fuelled by Al-Qaeda, IS or Daesh and conflicts such as those in Iraq and Syria. There has also been a significant rise in far right extremism.

Across the World, thousands have died, hundreds of thousands have been injured, and millions have been affected by terrorism. The common factor in all of these attacks is that often innocent people are killed, harmed and/or have their lives changed forever through no fault of their own.

As terrorism has developed, so too have the security services. Methods of monitoring and infiltrating terrorist groups have grown from the physical to the technical, to the cyber, or amalgamations of all three. For every type of attack used, innovators have developed solutions to thwart their effectiveness. Occasionally, government has intervened and created legislation that has a protective security outcome, such as the prohibition on the unregistered sale and purchase of pre-cursor chemicals used by the IRA to build large scale bombs.

Much of the security and legislative infrastructure that exists in the UK is focused towards organised terrorism, where the need to obtain information, travel or, coordinate action leaves traces that security services can find and exploit. However the nature of terrorism has changed.

Terrorism has moved away from these more structured organisations which are more exploitable to a new 'DIY' terrorism, where rather than having to build complex explosives and coordinate across multiple targets you can use any

thing as a weapon from a car to a knife, against any section of the community at any time.

The orthodoxy of terrorism changed in 2014, driven by the call of Abu Mοhamed al-Adnani: ***"...kill him in any manner or way however it may be. Smash his head with a rock, or slaughter him with a knife, or run him over with your car, or throw him down from a high place, or choke him, or poison him."***

The call from this significant anti-western figure was also heard by the extreme right wing who have shown a similar intent to simplify terrorism.

This has meant the bar to terrorism has dropped and with it the lines between truly ideologically driven murder and those driven by other more personal motivations has become blurred. People who once just held extreme views now have, near, unfettered access to an avalanche of information that might cement those views into hardened intent to cause harm. In the words of Andrew Parker, the Director General of MI5: ***"Today there is more terrorist activity, coming at us more quickly, and it can be harder to detect. It is multi-dimensional, evolving rapidly, and operating at a scale and pace we've not seen before."***

The scale, nature and pace of terrorism means that much will remain out of view of the security services, awaiting the spark that will drive it to action. As a result of all of this, our Counter Terrorism strategy needs to continue to evolve and we need to particularly build up our protective infrastructure to reduce the harm that these kinds of attacks could cause.

## **Why Martyn's Law is Needed**

The paradigm shift in the nature of terrorism means that the state's primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack. They are so numerous, it is unreasonable to expect the state to provide security everywhere.

There are estimated to be about 650,000 crowded places in the UK, of which only about 0.2% are prioritised to receive direct support from the state's network of counter-terrorism experts.

To help fill the gap, the State provides good quality advice and training on countering terrorism through the National CT Security Office and the Centre for Protection of National Infrastructure. However, engagement with these entities is limited to a few thousand people a year, and adoption of their advice is entirely discretionary. Some products, such as e-learning, have shown growth but with only about 3000 organisations signed up, there is still an enormous gap between numbers of places and those who feel obligated to protect their customers and staff.

The British security industry is one of the biggest, most diverse and most proficient in the World, but adoption of infrastructure, equipment and techniques largely remain the preserve of big corporations rather than those who service most of the British Public's needs.

Those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users. It matters not whether these are private businesses or local government authorities, the obligation must be equal and comprehensive.

However the solution is not just about tangible materials, it is also about being prepared. While the existence of Local Resilience Forums is mandated in law, what they focus on is not. It should be a fundamental requirement of the state that local government bodies and emergency services should have comprehensive plans for responding to terrorism and recovering from it.

## What is Martyn's Law?

Martyn's Law is a piece of legislation that creates a coherent and proportionate approach to protective security. It should apply to any place or space to which the public have access. For small venues this may simply require an addition to their already mandated fire plan, for bigger more complex venues it will require a more holistic approach.

It consists of 5 requirements. That spaces and places to which the public have access:

- ➔ engage with freely available counter-terrorism advice and training;
- ➔ conduct vulnerability assessments of their operating places and spaces;
- ➔ mitigate the risks created by the vulnerabilities;
- ➔ put in place have a counter-terrorism plan;
- ➔ and a requirement for local authorities to plan for the threat of terrorism.

A more detailed description of the opportunities presented by these themes is discussed in the following pages.

## Why existing laws are not good enough

Some in government have argued that we adapt existing legislation to fill the gaps. It is our view that this won't work.

Firstly because there are no laws in the UK that are aimed at providing counter-terrorism protective security or preparedness outcomes. There are a number that provide parallel legislation and are focused on crime and/or safety. These are:

**Crime and Disorder Act 1998** - Intended to place responsibilities on local government and police functions to be better at managing anti-social behaviour and crime evolving from poor familial relationships and control.

**Licensing Act 2003** - An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.

**Health and Safety at Work Act 1974** - The Health and Safety at Work etc. Act 1974 (c 37) (abbreviated to "HSA 1974", "HASWA" or "HASAWA") is an Act of the Parliament of the United Kingdom that as of 2011 defines the fundamental structure and authority for the encouragement, regulation and enforcement of workplace health, safety and welfare within the United Kingdom.



**Civil Contingencies Act 2004** - The Civil Contingencies Act 2004 (s 36) is an act of the Parliament of the United Kingdom that establishes a coherent framework for emergency planning and response ranging from local to national level. It also replaces former Civil Defence and Emergency Powers legislation of the 20th century.

Law is commonly written with a distinct purpose, and the expertise of the draftsman is to create the words that will convince both Houses of Parliament that what is proposed will achieve what is intended and not erode the freedoms that we cherish. Therefore, law that is 'shoe-horned' from one purpose to another is seldom successful or encompassing of its original intent.

The government has undertaken a review of opportunities to use existing legislation. It is accepted that there is no single piece of legislation that would encompass all of the proposals contained in Martyn's Law. For example, not all premises that will need to engage with Martyn's Law will be licensed and therefore that act is not suitable. The HSWA 1974, might offer some limited opportunities but this would require a significantly new focus on the Health and Safety Executive and potentially confuse what most perceive to be good legislation. It would perhaps be foolhardy to amend an Act that came into existence largely because of how dispersed its predecessors were.

## The details of Martyn's Law

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### **Part One - A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training.**

The provision of high-quality advice is freely available through NaCTSO. An online, award winning, e-learning package has already been developed in collaboration with business. At its most basic, it is 45 minutes long. Our proposal is that every venue that hosts any event to which the public have access on payment or otherwise, should have at least 25% of their staff CT Awareness Trained. In addition, we propose that every such venue, should have at least 1 on-duty manager who has received the relevant ACT Awareness Training Course (ACT Operational and/or ACT Strategic).

In late FY 19/20, it is expected that the CT Policing Information Sharing Platform will become live and will create a national portal through which training can be accessed and will be free at the point of use.

### **Part Two - A requirement for those places to conduct vulnerability assessments of their operating places and spaces.**

Our proposal suggests that every such place should undertake a vulnerability assessment of the area in which their activity takes place and to which the public will have access and/or transit through. Online vulnerability assessments are available and some insurance providers offer a discount for those business that undertake such assessments and then manage any risks that are identified. For medium sized enterprises, this is likely to offer significant financial incentive.

However, we propose also that this is not just the scope or responsibility of the private sector and that local authorities need to understand the impact such businesses have in the local environment. Local authorities benefit from thriving communities and have a responsibility to be part of the solution. Martyn's Law should require local authorities to collaborate with venue owners in mitigating the 'last-mile' risks that evolve from busy and crowded places. This should be the responsibility of the Community Safety Partnership.

### **Part Three - A requirement for those places to have a mitigation plan for the risks created by the vulnerabilities.**

The mitigation of vulnerabilities will often be achieved at no, or very, low cost. Not every risk requires expensive infrastructure to be built. Good quality security is often good CT security. As described above, for every threat posed, a mitigation has been developed and the advice to achieve mitigation is readily available from multiple public and private sources. The CT Police Information Sharing Platform will again provide a portal to this advice. We are not proposing an inspection regime to enforce this part of Martyn's Law. It is our belief that the requirement to have a vulnerability assessment and mitigation plan then places the operator of the place or space as the holder of any unresolved risks, and liable for any consequences that might arise.

National and local government have a role to play here with the provision of a permissive building and environmental planning policy. There are still examples of places wanting to mitigate risk but not being permitted to do so by their local planning office

#### **Part Four - A requirement for those places to have a counter-terrorism plan**

The UK Governments public advice to individuals in the event of a terrorist attack is to Run-Hide-Tell. A number of incidents have shown that when mass gatherings or dense pockets of pedestrians respond to an attack in this way, there is often additional danger and confusion created. Our proposal is that places and spaces should have a plan that reflects a responsibility towards large numbers of people, potentially panicking. This should reflect the principles of **Guide—Shelter—Communicate**.

- ➔ **Guide** – Direct people towards the most appropriate location (in vacuation, evacuation, hide)
- ➔ **Shelter** – Understand how your place or space might be able to lock-down and shelter people within it for several hours
- ➔ **Communicate** – Have a means of communicating effectively and promptly with users of your place or space and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

In the same way that a business should have a fire plan, a business should be in a position, with trained staff, to respond effectively to a terrorist attack.

#### **Part Five - A requirement for local authorities to plan for the threat of terrorism**

The Civil Contingencies Act created a requirement for local bodies to convene a multi-agency Local Resilience Forum. There has only very recently been any guidance regarding what counter terrorism planning should look like for a LRF but still no mandate to consider this theme. This proposal advocates that Local Resilience Forums must consider terrorism as a risk and have a local response and recovery plan to a range of threat methodologies.

## **The cost impact of Martyn's Law**

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Much of Martyn's Law can be achieved without significant cost impact. We believe that for many mitigations, there is no cost or low cost. Things like metal detectors, CCTV cameras and security personnel are available within the reasonable cost of any businesses running cost.

However, for some larger venues bigger infrastructure may be needed and security staffing costs may be more significant. In these cases we believe that government has a significant part to play in stimulating the acquisition of security infrastructure. There are precedents with initiatives such as the 'Places of Worship' fund where a pro-rata sharing of costs are divided between government and crowded place. We propose the creation of a low/no interest loan scheme to fund protective security measures when those are significant costs.

One way of funding this would be through the existing infrastructure of the government backed terrorism reinsurance company, PoolRe. The current arrangement is that in exchange for a percentage of the premiums from their products, PoolRe are able to draw down on Treasury assets in times of need. It is our belief that the government could make some of this existing funding available for this scheme and in doing so continue to reduce the risk, thereby reducing the likelihood of such a draw down on government funds ever being needed. It is a virtuous investment circle.

We recognise that the management of such loans will need to be housed somewhere within government and that a qualitative assurance framework will need to be created.

Where expenditure is required, the UK has a mature and highly experienced security industry able to support any requirement. It is possible that working with a representative body such as ADS, it may be possible to create an industry led programme with funding being made available to security equipment providers rather than individual places or spaces. . In turn, the provision of tax revenues from such a programme would likely off-set the cost of a low/no cost loan scheme.

## Concurrent opportunities

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Much of Martyn's Law is dependent on good quality information sharing and provision of awareness and advice. The creation of the UK's Information Sharing Platform will provide most of what is needed. Much of the awareness and training that is currently delivered face-to-face by CT Security Advisors could be migrated into digital products, freeing up CTSA's to concentrate on higher risk areas or be part of the assurance process.

As the current government moves towards a Comprehensive Spending Review, the time is ripe for considering whether the current approach to protective security in the UK reflects the threats that the last Strategic Defence and Spending Review accounted for. Much has happened in the intervening years and the concept of anybody can be a terrorist, using anything as a weapon against any target has fundamentally changed how the UK needs to think about protecting its citizens.

## Support

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There is widespread and growing support for Martyn's law. This includes:

- ➔ **Victims and Survivors** – A number believe that corporate bodies need to be more responsible for ensuring protective security is in place both in the UK and in locations where UK citizens holiday
- ➔ **CT Policing** – The Senior National Coordinator (Protect and Prepare) and many others have publicly called for a Protect Duty
- ➔ **Security Institute** – Believe that a more professional industry needs to be developed, especially in the provision of consulting activity
- ➔ **Insurance Industry** – Believe that incentivising protective security through financial products will contribute to security
- ➔ **Civil Servants** – Civil Servants will of course, service the needs of ministers. In conversations, many believe that new legislation is needed to create a more secure UK

## Conclusion

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Martyn Hett was a remarkable young man who died doing something that he had every right to be enjoying in the knowledge that he was both safe and secure. He was the epitome of everything that terrorists are not; caring, compassionate and life-loving. He and all the others that died in 2017 were the epitome of what terrorists despise and what terrorist will continue to attack, if they get the chance.

If proof were needed of the state's inability to protect its citizens from terrorism, on its own, 2017 showed this time and again. The subsequent disclosure of the scale of 'subjects of interest' (2000-3000) and those others who had come into contact with the authorities in previous years (20,000), is a sobering reminder of the impossible task given to the relatively small group of police and security service personnel tasked with countering terrorism. That is why we need a wider approach to addressing terrorism, one that encourages the public and mandates companies and local authorities to play their own part. Martyn's law is one key element of this wider approach.

This proposal is the first articulation of an idea espoused by many others. Its authors recognise that it does not answer all the questions that will be asked and that more detailed work is required however, that is the role of government. We stand ready to support government in developing new legislation and hope that such a law will enable people like Martyn Hett to live life to the full without fear of terrorist attack.

**Martyn's Law will save lives and be a fitting tribute to a wonderful young man and all those who died alongside him in 2017.**

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## PRODUCTS

### 1. ACT CORPORATE

Informative engagement events, hosted by NaCTSO's Engagement Team in partnership with Counter Terrorism (CT) regions, aimed at raising awareness and capability. Events include advice, guidance and updates on the work that police and partners are doing to mitigate the terrorist threat. Events are:



#### NATIONAL

Targeted at senior management of some of the country's largest businesses and organisations.



#### REGIONAL

Targeted towards small and medium enterprises (SMEs), representative organisations and other relevant community groups.

### 2. ACT STRATEGIC



3 – 4 HOURS



DECISION MAKERS

Discussion based workshop to develop understanding and share best practice to help organisations prepare strategies to manage and recover from a terrorist attack.

### 3. ACT OPERATIONAL



3 – 4 HOURS



ALL STAFF

Interactive workshop designed to raise awareness of CT issues, improve security culture, assist delegates with understanding the role they play and increase confidence when responding to an incident.

### 4. ACT AWARENESS



2 HOURS



ALL STAFF

Facilitated awareness presentation to a general audience which is designed to raise awareness of the threat from terrorism and actions they can take to protect themselves and their organisation from or during an attack.

### 5. ACT E-LEARNING



1 HOUR



ALL STAFF

An entry level, interactive, online product designed to provide CT guidance to help mitigate against current terrorist methodology. There is an option for businesses to deliver the course using their own Learning Management System through a SCORN file.

Should you require further information, or would like to request a session, please contact the CTSA in your police force area.



[www.CounterTerrorism.police.uk](http://www.CounterTerrorism.police.uk)



[@CounterTerrorismPoliceUK](https://www.facebook.com/CounterTerrorismPoliceUK)



[@TerrorismPolice](https://twitter.com/TerrorismPolice)



# SEE, CHECK AND NOTIFY PRODUCTS

## 1. DECISION MAKERS

 30 MINUTES

 DECISION MAKERS

Strategic awareness briefing to senior executives at a site or organisation on all SCaIN approaches and training packages including the merits on why a site should adopt SCaIN.

## 2. SECURITY MANAGERS

 ON-GOING

 SECURITY MANAGERS

A mentoring programme that aims to empower the security manager to target harden their site against hostile reconnaissance.

## 3. COMMS PROFESSIONALS

 ½ DAY

 COMMS PROFESSIONALS

Workshop to enable communications professionals to deliver security minded deterrence communications at their site.

## 4. CCTV OPERATORS

 3 HOURS

 CCTV OPERATORS

Course for CCTV Operators enabling them to identify hostile reconnaissance and suspicious activity, have an awareness of observational and judgmental errors, and work in partnership with the police.

## 5. CUSTOMER FACING

 3 HOURS

 CUSTOMER FACING STAFF

Interactive training for staff who have face to face contact with customers, the public and site users. It covers suspicious activity, the importance of vigilance, the power of hello and how to report your concerns.

## 6. ALL STAFF

 30 MINUTES

 ALL STAFF

Briefing to all staff to raise awareness of what hostile reconnaissance is and how it can be deterred and to encourage suspicious activity to be reported.

Should you require further information, or would like to request a session, please contact the CTSA in your police force area.



[www.CounterTerrorism.police.uk](http://www.CounterTerrorism.police.uk)



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# WHICH PRODUCT IS RIGHT FOR MY BUSINESS?



## WITHIN MY BUSINESS I AM...

BUSINESS OWNER  
SENIOR MANAGER

LINE MANAGER  
SECURITY MANAGER

SECURITY OFFICER  
STAFF MEMBER

I WOULD LIKE  
TRAINING FOR...

I WOULD LIKE  
TRAINING FOR...

I WOULD LIKE  
TRAINING FOR...

MYSELF

MY TEAM

MYSELF

MY TEAM

MYSELF

IN ORDER TO...

UPSKILL MY  
TEAM

I / MY TEAM CAN ATTEND  
FOR...

I CAN ATTEND  
FOR...

2-3 HOURS

1 HOUR

1 HOUR

DEVELOP & IMPROVE  
EMERGENCY PLANS /  
POLICY

I WANT THE TRAINING TO BE...

IMMERSIVE

FACILITATOR-LED

ACT  
STRATEGIC

ACT  
OPERATIONAL

ACT  
AWARENESS

ACT  
E-LEARNING

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