

**Manchester City Council  
Report for Resolution**

**Report to:** Executive – 15 January 2020

**Subject:** Improving Venue Security - ‘Martyns Law’

**Report of:** Strategic Director Neighbourhoods

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**Summary**

The 22 May 2017 saw one of the worst terrorist atrocities committed on UK soil where 22 people lost their lives and many more were seriously injured. Subsequently Figen Murray the parent of one of the deceased Martyn Hett has campaigned to improve the security at event venues through the introduction of ‘Martyns law’, a proposed piece of legislation that seeks to create a coherent and proportionate approach to protective security.

Figen attended full Council in September 2019 to talk about her experience and the work she is progressing with government to support the implementation of this legislative change.

The report summarises Manchester’s current response to this pending the introduction of further potential national guidance or legislation.

**Recommendations**

The Executive is asked:-

- a. to endorse the work to date to support the work progressing to improve public safety and security; and
  - b. to endorse the proposed changes to Licensing conditions set out in section 3 of this report and to require that these are presented to Licensing Policy Committee at the earliest opportunity.
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**Wards Affected:** All wards

<b>Our Manchester Strategy outcomes</b>	<b>Contribution to the strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Public safety and security are key to supporting a thriving and sustainable city
A highly skilled city: world class and home grown talent sustaining the city’s economic success	Public safety and security are key to supporting a thriving and sustainable city

A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Public safety and security are key to supporting a thriving and sustainable city
A liveable and low carbon city: a destination of choice to live, visit, work	Public safety and security are key to supporting a thriving and sustainable city
A connected city: world class infrastructure and connectivity to drive growth	Public safety and security are key to supporting a thriving and sustainable city

**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**

No additional revenue consequences have been identified at this stage. Further revenue implications may arise from any future legislative changes.

### **Financial Consequences – Capital**

Capital funding is already allocated to implement measures to mitigate the potential for a Hostile Vehicle attack in areas of the city deemed to be at higher risk. Further capital implications may arise from any future legislative changes. These cannot be quantified at this stage.

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**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.

## 1.0 Introduction

- 1.1 The 22 May 2017 saw one of the worst terrorist atrocities committed on UK soil where 22 people lost their lives and many more were seriously injured. Subsequently Figen Murray the parent of one of the deceased Martyn Hett has campaigned to improve the security at event venues through the introduction of 'Martyns law'.
- 1.2 Figen attended full Council in September 2019 to talk about her experience and the work she is progressing with government to support the implementation of this legislative change.
- 1.3 Manchester as a city remains committed to working with all agencies to support improvements to public safety working within its current powers and supporting changes in legislation where appropriate to achieve further improvements.

## 2.0 Background

- 2.1 Martyn's Law is a proposed piece of legislation that seeks to create 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:

- **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 whether through 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 one on-duty manager who has received the relevant ACT Awareness Training Course (ACT Operational and/or ACT Strategic).*

- **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.*

- **A requirement for those places to mitigate the risks created by the vulnerabilities**

Martyn's Law proposes that 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

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

The UK Government's 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 vacuaction, 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.

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

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.

There are currently no laws in the UK that are specifically 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.

**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 "HSWA 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.

- 2.2 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.
- 2.3 Whilst changing any legislation will take some time and is beyond our immediate control within the Council and with GMCA we have looked at areas we have got powers or the opportunity to strengthen or amend to support this proposal.

### **3.0 Manchester's Response to MARTYN'S LAW**

At this stage it is not clear how government will interpret or legislate for any or all of the 5 key points that make up Martyn's law. As a Council we have worked with NWCTP, Civil Contingencies and internally with Planning and Licensing to look at what we currently do and the areas we can strengthen and focus on even before any legislative changes are introduced. It is our intention to continue to work closely with all agencies for the future to influence any legislative changes where possible and to support the implementation of any changes within allocated resources.

### **3.1 Manchester Business Continuity Forum**

- 3.1.1 Manchester City Council is committed to building safer and stronger communities. One aspect of this work is to support local businesses in preparing to cope with disruptive incidents such as a loss of ICT systems and

ensuring crisis management capabilities are in place to respond to major emergencies such as severe weather, flood, fire and terrorist events. The [Manchester Business Continuity Forum](#) (MBCF) was established by the Council in 2007 in line with statutory responsibilities under civil contingencies legislation as a public-private partnership across the city. The MBCF Advisory group is made up of representatives from connected business support organisations such as the Business Growth Hub and CityCo as well as Education, Finance and Security to help promote the work of the Forum and encourage new sign-ups to the membership.

- 3.1.2 By building a strong network of private, public and voluntary sector organisations the MBCF encourages a joined up approach to help share good practice and foster mutual support in the event of an emergency. The MBCF works closely with key multi-agency partners for emergency response through the Local Resilience Forum and North West Counter Terrorism colleagues as well as the Business Continuity Institute, Institute of Risk Management, Cabinet Office and BITC in delivering shared objectives to promote community resilience, manage risk and raise standards of good practice through peer support and collaboration.
- 3.1.3 The MBCF core offer is web-based business continuity advice and guidance, including free templates and signposting to other sources of relevant information and free training opportunities, such as those offered through Counter Terrorism police locally. It has evolved into a source of free business continuity training, advice and information to help develop and improve organisational resilience. In line with the risk profile across the city, training events have been largely focused around counter terrorism and corporate security advice, as well as responding to the cyber threat and the impacts of severe weather events.
- 3.1.4 The MBCF has no power to mandate attendance at training or enforce compliance with legislation; but aims to promote good practice and deliver and support sessions that are of benefit to the business community in meeting their resilience duties and expectations. As part of the annual work plan and proposed areas of focus for 2020/21, the principles in the proposed legislation will be discussed with the MBCF Steering Group and actions to further support business awareness and capability to conduct vulnerability assessments and response plans will be considered.
- 3.1.5 The MBCF have supported NaCTSO's Project Argus and Project Griffin since 2008 and continue to promote the ACT products and share relevant advice and guidance from our colleagues in North West Counter Terrorism through our mail list of Forum members. This included sessions on counter terrorism planning and cyber risk led by NWCT and City of London Police in 2019.
- 3.1.6 The Forum has a collaborative ethos and consults with its membership on an annual basis to provide an event programme that is relevant to local need. The current model is centred around providing an opportunity for members to participate in a crisis simulation exercise with relevant subject matter experts from the Category One and Two emergency responders to facilitate the

sharing of experiential learning and to develop strong working relationships across sectors, these free training events are delivered twice a year.

3.1.7 With the support of the Forum membership in providing venues free of charge, events can accommodate up to 100 delegates and places are usually booked up within a few days. The events also incorporate guest speakers who are willing to share their practical expertise and are selected depending on the topics indicated through the member consultation exercise as well consultation with the MBCF Advisory Group

3.1.8 In the event of a major emergency or pre-planned event, MBCF will, where possible, share information about the incident to its members in line with multi-agency response mechanisms. Current membership is around 600 individuals who are signed up to the Forum mail list, comprising a range of large corporate and SME businesses, public event spaces such as Bridgewater Hall and Manchester Central, the Arena, voluntary sector organisations and educational establishments, including schools and membership is open to all regardless of geography.

### **3.2 Improving the safety of our physical spaces**

3.2.1 Working with colleagues in GMP and the Counter Terrorism Team, over the past 24 months we have identified a number of 'high-risk' locations across the city and have designed and installed appropriate measures to mitigate those risks.

3.2.2 These risks are mitigated through the implementation of HVM (Hostile Vehicle Mitigation) measures, where the primary goal is to prevent hostile individuals from breaching a perimeter successfully or completing a criminal act and accomplishing their purpose. The Council has introduced a number of HVM measures across the city over the past 2 years, which include:-

- new permanent bollards
- removable bollards where some access is required
- installation of new street furniture - including bins, seating and planters

3.2.3 Future HVM measures will include physical barriers across the highway as well as tree planting, full height kerbs and new automatic bollards. We continue to work with colleagues and stakeholders across the city to identify any vulnerable sites and where necessary will look at where suitable HVM can be introduced for example as part of the redesign of Albert Square.

### **3.3 Licensed Premises (including public event spaces and places)**

3.3.1 The Council licenses premises and places for the sale of alcohol, public entertainment and providing late night hot food and drink. In doing so, it is required to promote the four licensing objectives, the prevention of crime and disorder; the prevention of public nuisance; the protection of children from harm; and public safety.

- 3.3.2 Naturally, the principles of Martyn's Law complement the promotion of these objectives and as such there is scope to integrate its principles within the licensing process.
- 3.3.3 In the absence of any formal change to the legislation, we are not able to require licensed venues to put in place all measures advocated in Martyn's Law. However, the Council could implement a degree of control through the Licensing Policy, with the potential to introduce policies that seek to impose counter-terrorism specific conditions on licences granted. Recognising, however, applications would still need to be considered on their individual merits and exceptions made. Similarly, such conditions could only be implemented where a relevant representation (objection) has been made, unless the applicant has volunteered them as part of their application.
- 3.3.4 Conditions could though be attached in this way where a licence is being applied for or a variation is being sought. Although legislation does not allow for conditions to be retrospectively applied operators could seek to voluntarily incorporate new conditions and there would be merit in proactively engaging with the license trade in this regard.
- 3.3.5 The existing suite of 'model' licensing conditions is now being revised to incorporate specific counter terrorism measures in order to improve safety and security. It is proposed this includes a requirement for a counter-terrorism plan to be in place with associated staff training.
- 3.3.6 The process for new model conditions is relatively informal, but would need to involve a short public consultation before presenting to the Licensing Committee for approval and implementation. As noted work on this is already underway and subject to no significant issues being raised we could see implementation in early Q1 2020.
- 3.3.7 To incorporate counter terrorism related measures into the Licensing Policy it would require a full statutory review which includes a protracted and lengthy process. Any changes through a review are unlikely to come into effect until Jan 2021.
- 3.3.8 The current Policy does already address security measures at licensed premises, and there is therefore a sound basis for reviewing policies in the context of Martyn's Law.
- 3.3.9 An alternative to enforcing Martyn's Law through licence conditions is to promote its aims through voluntary schemes. The Council is in the infancy of developing a best practice scheme for licensed premises and it is proposed that officers explore how the principles of Martyn's Law could be implemented locally through participating licensed premises.

#### **3.4 Planning for the threat of terrorism**

- 3.4.1 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 no specific mandate to consider this theme at this point.

- 3.4.2 The multi-agency Greater Manchester Resilience Forum (GMRF) has been in place for over 15 years. It is a partnership that includes public, private and voluntary sector organisations and coordinates risk assessment, planning, training, exercising and emergency response in line with the Civil Contingencies Act 2004 (CCA 2004). GMRF is one of 43 local resilience forums across the country and is part of England's framework for the delivery of emergency preparedness including that for terrorist attacks.
- 3.4.3 Under the CCA 2004 local authorities are designated as category one responders indicating their key role in working other emergency responders in the response to disruptive challenges. As part of its work with other partners on GMRF the Greater Manchester local authorities regularly assess the threats posed to the city region. These risk assessments then inform the development of plans, many of which are developed to address the common consequences of terrorist attacks, including casualties, the need for evacuation and ongoing care.
- 3.4.4 Working together agencies in Greater Manchester offer training for first responders and also exercise plans in order to ensure they are fit for purpose. There is also a process in place to help identify any areas where procedures and systems can be improved following learning from exercises and incidents, including those in other parts of the country or the world.
- 3.4.5 The local authorities, in conjunction with other emergency responders such as Greater Manchester Police, provide information to the public to help them to prepare for attacks. This includes providing information through the GM Prepared web site and also the Greater Manchester Community Risk Register.
- 3.4.6 Each Greater Manchester local authority has undertaken a Counter Terrorism Security Advisor (CTSA) assessment of vulnerable areas based on six different attack types. This has included consideration of each vulnerable location through site visits and the development of a Security Review Group to consider relevant actions from the security reviews. Additional considerations such as review of existing contingency and evacuation plans, CTSA and local review of iconic locations, Security Coordinator (SECO) assessment for events and night time economy briefings have also been looked at. These groups have included representatives from Greater Manchester Police, Local Authority Public Realm Managers, Planning, Highways and CTSA.
- 3.4.7 Greater Manchester local authorities are a member of several global networks across which participating cities seek to share their experiences, learning and best practice. For example, Greater Manchester is part of the Counter Terrorism Preparedness Network. This has brought together six European Cities (Greater Manchester, Barcelona, London, Rotterdam, Paris, Stockholm), seven academic partners, twelve resilience leads and seven

independent experts to produce five reports sharing learning from across Europe.

#### **4.0 Recommendation**

The Executive is asked:-

- a. To endorse the work to date to support the work progressing to improve public safety and security
  
- b. To endorse the proposed changes to Licensing conditions set out in section 3 of this report and to require that these are presented to Licensing Policy Committee at the earliest opportunity.