

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 19 July 2021

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

Report of: Director of Planning, Building Control & Licensing

Summary

The report provides the Licensing Committee with the results of the public consultation and proposes the final model conditions.

Recommendations

That Members approve the model conditions.

Wards Affected: All

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| Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city |
| None |

| Manchester Strategy Outcomes | Summary of the contribution to the strategy |
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| 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. |

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| 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 a key 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

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents (available for public inspection):

Report to Licensing Committee - 20 January 2020: "Update of Model Conditions under the Licensing Act 2003 including incorporation of Martyn's Law proposals"

Original consultation responses

Protect Duty Consultation, Making the public safer at publicly accessible locations, Home Office (February 2021)

Manchester Arena Inquiry Volume 1: Security for the Arena, Report of the Public Inquiry into the Attack on Manchester Arena on 22nd May 2017, Chairman: The Hon Sir John Saunders June 2021

1. Introduction

- 1.1 The report provides the Licensing Committee with the results of the public consultation on the revised model licence conditions for premises under the Licensing Act 2003, which incorporated the proposed new conditions in line with adopting the principles of Martyn's Law in Manchester.
- 1.2 The consultation was published on the Council's website for 6 weeks from 4 March to 17 April but was extended for a further 4 weeks until 17 May in light of the Coronavirus lockdown.
- 1.3 Fourteen responses were received in the consultation period and a further written response received after the deadline. Clearly, there has been no prejudice in this being received late, given the passage of time and so has been included in the results.
- 1.4 Responses were received from the following -
 - 6 x industry operator
 - 1 x member of public
 - 1 x private security
 - 1 x licensing solicitor
 - 5 x unknown
- 1.5 Since the model conditions consultation was completed, the Government has publicly consulted on a national Protect Duty, based on Martyn's Law and the Chairman of the Manchester Arena Inquiry has published Volume One of his report detailing his findings and recommendations on security. Both have considerable influence relevant to Martyn's Law. Therefore, the proposed implementation of the proposed conditions has been considered relative to them.

2. Response to Martyn's Law Conditions

- 2.1 All responses bar one, supported the introduction of the Martyn's Law principles, with some caveats:
 - Requirements should be targeted to defined premise as some licensed premises might not be as relevant e.g., office spaces;
 - Too onerous for all staff to complete training and to the timescales proposed;
 - Higher levels of training should be mandatory for the designated premises supervisor but optional for other duty managers based on risk assessment;
 - Security personnel should complete ACT Awareness and supervisors/managers complete higher level training.
- 2.2 Only one response (Response 4, Industry Operator) was completely against the ML proposals
- 2.3 The responses are considered below:

Response 4 (Industry Operator)

“Should be monitored (sic) by public sector, NOT pushed on to the private sector to police”.

Response 5 (Security Officer)

“All security personal (sic) must complete ACT Awareness Training. All security supervisors / Managers must complete ACT Strategic and Operation Training.”

Response 6 (Industry Operator)

“I entirely agree with training members of our team on Act Awareness and the benefits of this excellent package. We already do this for our London Duty Managers via the eLearning scorm package. I do have concerns on the requirement for all staff to be trained before they can work in our premises. This will place significant strain on premises who may have a high turnover of staff/seasonal workers. New staff also have to go through a great deal of induction training already to meet other various legislation and I fear the training may therefore lose some of its value. Regarding the requirements for DPS and Duty Managers to complete the additional operational or strategic levels of training, this will be dependent on the availability of these face to face courses. I think the 28 day requirement is also onerous. This could also prove difficult for a new DPS/Duty Manager to complete in this timescale. I believe the ACT awareness training should be mandatory for Duty Manager level but optional for general team members. The enhanced levels of training for Duty Managers should also be optional based on risk assessment and management level, but agree mandatory for the DPS; however the 28 day deadline should be extended.”

Response 12 (Licensing Solicitor)

As drafted, (Condition 1) applies to every licensed premises, regardless of size or location, or type of activities permitted.

It would cover small corner shops, supermarkets, late night takeaways, pubs, bars, restaurants, nightclubs, cinemas, theatres large scale music venues and football clubs. Other, less obvious licensed premises include office blocks, co-working spaces and public squares either in private ownership such as Spinningfields, or Council owned such as Albert Square and others.

Some smaller venues might find it relatively easy to ensure that all staff had undertaken the necessary training but others would find it simply impossible. For example, a manager employed by a national pub chain drafted in at short notice and for a short period of time would not be able to comply with this condition nor would those who relied on agency staff. Equally, every member of staff employed at the Etihad for example, could not be expected to undertake the training.

We would suggest that the condition be amended so that it only applies to a defined list of premises, and perhaps whilst the training might be mandatory for the manager (and/or DPS if the licence allows for the sale of alcohol) that thereafter, a % be given for the number of staff to be trained.

We agree that (condition 2) is proportionate. However, compliance relies on the availability of the training. We would ask if assurances have been given by

the training provider that sufficient training courses will be run, in appropriate locations, to ensure that individual Designated Premises Supervisors did not fall foul of the condition through unavailability of courses within the requisite timeframe.

MCC Response

- 2.4 The suggestion in Response 4 that it is not a matter for the private sector is rejected as this is completely contrary to the principles of Martyn's Law, which requires that spaces and places to which the public have access engage with freely available counter-terrorism advice and training.
- 2.5 The Government has consulted on a Protect Duty and part of that consultation seeks to explore what limits that should be in place for that duty to be instigated, with a proposed minimum capacity level of 100 proposed.
- 2.6 The key issue raised in responses 6 and 12 concerns the proportionality of the training requirements, particularly:
- i. whether it should only apply to specific types of venues
 - ii. the timescales for training to be completed
 - iii. the feasibility and appropriateness of training all staff
- 2.7 The Government's brief on the scheduled consultation was that it would "ask for views from business and the public sector on the proportionality, scope of the duty, and how it should be enforced."
- 2.8 Security Minister James Brokenshire said:
"Our first priority is keeping the public safe and preventing more families from suffering the heartbreak of losing a loved one. The devastating attacks in 2017, and more recently at Fishmongers' Hall and Streatham, are stark reminders of the current threat we face. We are in complete agreement with campaigners such as Figen Murray on the importance of venues and public spaces having effective and proportionate protective security and preparedness measures to keep people safe. Of course, it is important that this new law is proportionate. This public consultation will ensure we put in place a law that will help protect the public while not putting undue pressure on businesses."
- 2.9 Having regard to the comments in Response 5 (Security officer) it is proposed to amend the condition to clarify that all door supervisors on duty at the premises would be required to complete the ACT Awareness Training and that it is not limited to the employees of the licensed premises. It is noted that ACT e-learning and a new ACT Security e-learning course due to launch this summer are now part of the SIA's training requirements for door supervisors: <https://www.gov.uk/government/publications/changes-to-sia-licence-linked-training-your-questions-answered/changes-to-sia-licence-linked-training>.
- 2.10 Whilst these requirements will be picked up through new applications and renewals, it is proposed to keep door supervisors within the remit of the

licence condition at this stage to promote the completion of the relevant training by door supervisors on duty in Manchester as soon as possible, rather than waiting until renewal.

- 2.11 The proposal that security supervisors and managers complete a higher level of training, similar to the proposal for designated premises supervisors and duty managers at the licensed premises, is logical and so it is also proposed to include this amendment.
- 2.12 Whether the conditions should only apply to certain categories of premises can be complicated as venues may not simply fit into a defined category or may transition between distinctive styles of operations. The Martyn's Law principle are that "spaces and places to which the public have access":
- (a) engage with freely available counter-terrorism advice and training
 - (b) conduct vulnerability assessments of their operating places and spaces
 - (c) mitigate the risks created by the vulnerabilities
- 2.13 Therefore, it is not proposed to limit the types of venues that are expected to comply as the intention is that all public places and spaces are engaged. Although they may be licensed, premises such as office buildings that are not open to the public would not be captured by the condition and so would already be excluded.
- 2.14 However, if an applicant believes the model condition should not apply to their premises, they can explain why in the application process.
- 2.15 The issue of training course availability is considered later in the report.

3. Other Conditions - Individual Responses

- 3.1 The responses to other proposed model conditions are set out below:

Response 5 (Security Officer)

"All front line security personal (sic) working in public domain must wear body worn camera's (sic)."

- 3.2 It is proposed to amend Condition 24, which concerns the use of body cams by security personnel, to include an option to specify "all" security personnel to wear them, rather than a specified number.

"All security personal (sic) must have emergency first aid at work training. There should also be required to have at large venues a member(s) of staff that have FREC level 3 / level 4 with available equipment."

- 3.3 FREC is the 'First Response Emergency Care' qualification. It is designed for those seeking a career in the emergency services, ambulance services, the event medical sector, but also those who work in high-risk workplaces. It equips a person with the skills to deal with a wide range of pre-hospital care

emergencies, such as: managing a patient's airway; catastrophic bleeding; management of fractures; medical emergencies.

- 3.4 The Level 3 Certificate in First Response Emergency Care is one of the few first aid qualifications recognised by the Security Industry Authority (SIA) and typically involves attending a course over 5 days at a cost of approximately £500+. There is also an additional recommended 118 hrs of post course learning.
- 3.5 Upskilling door supervisors and increasing their capability to deal with vulnerability is an important aim. Therefore, it is proposed to include conditions as recommended in the response, although it is recognised that any imposition of a requirement for the Level 3 FREC qualification would generally only be appropriate for larger and/or higher risk venues.
- 3.6 The proposed additional conditions are:
A member(s) of staff qualified to a minimum Level 3 Certificate in First Response Emergency Care must be on duty, with appropriate medical equipment, at the premises when licensable activities are carried out [or at specified days/times]

All door supervisors must have emergency first aid at work training.

Response 6 (Industry Operator)

"#25 on bodycams - review requirement for continuous recording loop as this goes against guidance from college of policing and ICO."

- 3.7 Response: Agreed - the condition has been modified following subsequent discussion with GMP and is to be streamlined so as not to be so prescriptive on technology specifications. GMP are working on a standalone guide to specifications for CCTV and body worn video, and so the condition will refer to the standards established in that. This approach will avoid licence conditions becoming outdated as technology or requirements evolve. A similar approach is also to be taken in respect of the model CCTV condition.

"#34.(b) - training records should be permitted in electronic format, with records of completed tests etc., without the need for paper and signatures."

- 3.8 Agreed - reference to signature removed to facilitate electronic training. However, operators will be expected to demonstrate version controls (or another appropriate methodology) of training records to avoid the ability to overwrite or manipulate records.

#47 - where an electronic refusal system on the till issued, this does not allow for inputting description of the customer. This is also time consuming and not practical in a busy pub/bar. I also do not feel it adds value to the objective or achieves anything - the correct recording of the refusal is the key part.

Response: Accepted - reference to description of the customer removed as a requirement. Recording refusals is an important exercise in demonstrating due diligence but whilst there may be some value in recording customer descriptions to identifying repeat instances, we recognise the practical difficulties raised in the response.

Response 9 (Business Network):

(Condition 34) "Further information on what staff working in the NTE can do to alert authorities to street vulnerable people, trafficked people and victims of modern slavery. Include some training from Manchester Homelessness Partnership and other specialists."

- 3.9 It is not proposed to include a model condition addressing this issue. The Manchester Homelessness Partnership (MHP) is a network of organisations which formed to work together towards the aims and values of the Manchester Homelessness Charter, and with the goal to end homelessness in all its forms in Manchester. Whilst we would encourage licensed premises to support such initiatives, this would not be relevant to the promotion of the licensing objectives. Modern slavery and trafficked people would be relevant to the crime prevention objective, and it is proposed to include a condition around understanding the signs of modern slavery and how to report it.

Response 12 (Licensing Solicitor):

Condition 7 (ID scanning condition) - In view of the advances in technology we would suggest the inclusion of any electronic or biometric verification technology approved by the Licensing Authority (in a manner similar to Condition 44).

- 3.10 Response - agreed. Condition to be amended as follows:

An ID scanning system, or electronic or biometric verification technology approved in writing by the licensing authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

Condition 8 (searches) - We would suggest that this condition be amended to also allow for random searches to be permitted, or a separate condition included to guide operators who may consider that their premises may benefit from a discretionary search policy rather than a blanket one.

- 3.11 Response: Replace condition as follows

8. Persons entering or re-entering the premises must be searched [at random] [on a discretionary basis] [in every case] by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].

Condition 28 (CCTV) - We would suggest that “there are members of trained staff” be replaced by “at least one member of trained staff be”. This will ensure the objective of the condition is upheld, but does not require there to be more than one on site at any one time who is capable of providing the copies.

3.12 Response – Accepted.

Condition 33 (incident reporting) - VIII duplicates VI.

3.13 Response - duplicate deleted

Condition 42 (bottle cages)- This type of condition is more commonly associated with premises with a history of incidents of crime and disorder. If a condition were to be offered by an operator in their Operating Schedule for a new licence, we wonder whether this would be the sort of premises the City would be encouraging. However, we accept that the Pool of Model conditions is not just a tool for an applicant but can be used by any Responsible Authority or interested party who may consider this condition as part of Review proceedings.

3.14 Response - comments noted. Given the nature of the condition, we would not expect to see it being relevant in many circumstances and historically has only been imposed as a remedial measure following issues. Its inclusion is intended to provide consistency and as a reference point where a party seeks to propose such as measure as appropriate for the promotion of the licensing objectives.

Condition 51 (Restaurants and takeaways (alcohol) - We would suggest that conditions such as that above, which restrict a premises so that it must operate solely as a restaurant are outdated. More commonly seen in certain London boroughs (notably Westminster) we believe that they stifle innovation and increasingly lack relevance in the ever changing hospitality sector. Very few premises now fit neatly into a single definition of ‘bar’, ‘pub’ or ‘restaurant’ with far more operating as a hybrid of one or more of those styles.

3.15 Response - this is accepted. As referenced earlier in the report, many venues operate a hybrid model, and it is submitted that it is not whether the proposed business fits into a category of operation that will be important but whether its proposed operation will cause any harm to the licensing objectives. Therefore, it is proposed to remove this condition.

4. Key Policies and Considerations

4.1 The proposals will integrate with the Council’s Statement of Licensing Policy 2021-26 under the Licensing Act 2003.

Proportionality

4.2 The following is extracted from the Chairman to the Manchester Arena Inquiry's report:

8.40 Whenever a new Protect Duty has been considered, questions of proportionality have arisen. It is important that, as far as possible, the risk of a terrorist succeeding is eradicated or minimised. While we look to the Security Service and Counter-Terrorism Police to discover plots before they can come to fruition, they cannot prevent every terrorist plot as they themselves have said. That is not a reflection on how they do their jobs, it is the reality. Nor is it any comment on whether SA's plot could or should have been stopped by the Security Service and Counter-Terrorism Police. I shall be considering that issue in Volume 3 of the Report.

8.41 Doing nothing is, in my view, not an option. Equally, the Protect Duty must not be so prescriptive as to prevent people enjoying a normal life.

8.42 Working out what is a proportionate response is a matter for society through Parliament. Any increase in protective measures is likely to affect both those implementing them and may affect members of the public. I have seen the horrific outcome of the Attack on 22nd May 2017 and the appalling consequences it has had for the bereaved and survivors. I recommend that, when considering what is the appropriate Protect Duty for premises like the Arena, a high standard of protective security is justified.

8.49 There are already statutory requirements which could cater for this. It could be done as part of the construction planning or the licensing process. Considerations of public safety are already part of the licensing process and there is no reason why consideration of the vulnerability of a terrorist attack in new premises should not be part of the planning process...

8.50 Similar considerations apply to licensing permissions. Any building such as the Arena would require a licence to permit public entertainment and the sale of alcohol. Public safety has always been a consideration in the granting of licences and the clear terms of the Licensing Act 2003 mean that it still is.

4.3 In all cases, the imposition of Martyn's Law licence conditions will need to be done having regard to the statutory s182 Guidance. The 'have regard' duty meaning that whilst it can be departed from, there would need to be clear reasons for doing so. The guidance advises that conditions

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed

may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;*
- must be precise and enforceable;*
- must be unambiguous and clear in what they intend to achieve;*
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- should not replicate offences set out in the 2003 Act or other legislation;*
- should be proportionate, justifiable and be capable of being met;*

- 4.4 Given the above, there is a clear rationale for why the Martyn’s Law conditions would be appropriate for the promotion of the licensing objectives. In all cases, it would be a matter for the licensing authority to determine whether imposing them was proportionate, unless they have been volunteered by the licensee.

Protect Duty

- 4.5 Between 26 February 2021 to 2 July 2021, the Home Office consulted on a proposed Protect Duty considers how we might use legislation to enhance the protection of publicly accessible locations across the UK from terrorist attacks and ensure organisational preparedness.
- 4.6 The consultation and discussion issues were broken down into four sections:
Section 1: Who (or where) should legislation apply to?
Section 2: What should the requirements be?
Section 3: How should compliance work?
Section 4: How should Government best support and work with partners?
- 4.7 Given the consultation only recently finished, there is not yet a Government response to the consultation or any known any timescale on when any decision will be made in respect to the Protect Duty.

Implementation of Martyn’s Law conditions in view of the potential implementation of a Protect Duty

- 4.8 Although the Protect Duty will potentially become legislation, it is our intention to continue with implementation of Martyn’s Law relevant to licensed

premises. The consultation document and the Chair to the Inquiry's report recognise that there is a need for counter terrorism measures to be considered relative to licensed premises.

- 4.9 Should the Protect Duty become legislation it is envisaged that licence conditions would no longer be required or appropriate. The s182 Guidance advises (1.16) that licence conditions "should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation".
- 4.10 In the event of Protect Duty legislation causing Martyn's Law conditions on licences become invalid, then there is the minor variation process could be used to address any duplication or redundancy.
- 4.11 The statutory s182 Guidance to the Licensing Act 2003 states relative to minor variations (emphasis added):

c) Amending or removing existing conditions

8.73 Changes in legislation may invalidate certain conditions.

Although the conditions do not have to be removed from the licence, licence holders and licensing authorities may agree that this is desirable to clarify the licence holder's legal obligations.

Proposed amendment to Martyn's Law model conditions

Training requirement

- 4.12 Concerns were raised over the achievability of ACT training courses.
- 4.13 Without the certainty of availability of ACT Operational and Strategic courses, there is a risk that licensees would be unable to comply with a requirement to complete these courses with the original proposed 28-day period. Therefore, it is proposed to re-word the condition to require that such training be completed 'as soon as is reasonably practicable'. This will still require businesses to complete training without undue delay but avoids the risk of them committing the unlawful offence of not complying with a licence condition should it be outside their control to do so. There is a requirement, however, to register to attend a course within the 28-day period to ensure businesses are proactive in attending forthcoming training courses.
- 4.14 There is no such issue with the ACT e-learning which is universally available. The requirement for all staff to complete this training has been clarified in the condition, by specifying it as e-learning.
- 4.15 However, as the Chair to the Arena Inquiry recognises at 8.107 to 8.109 of his Volume 1 report:
- While e-learning is a convenient method of teaching large numbers of people without having to get them all together, the evidence at the Inquiry was that it is difficult to ensure that the training is properly*

carried out and it may be possible for the student to make it look as if the training has been done when it has not...

...What is important is ensuring that the trainees have absorbed the learning. As was said in other contexts in the Inquiry, the learning needs to become part of the 'muscle memory'. I recommend that there should not be undue reliance on e-learning and its limitations need to be recognised.

I recommend that if e-learning is used, there should be follow-up to ensure that the training has been understood. This can either be done while the job is being carried out or in a classroom. If this follow-up is carried out while the job is being carried out, it should be timetabled and recorded.

- 4.16 Therefore, it is important that the higher levels of training are delivered across licensed premises. It is endeavoured that a series of training sessions will be provided monthly Counter Terrorism Policing North West (CTPNW) at scale for licensed premises staff, subject to resources.
- 4.17 The proposed condition requiring enhanced training has been amended from requiring ACT:Operational or Strategic to reference "CT Awareness". The CT Awareness training packages incorporate a range of different CT courses (such as ACT:Operational and Strategic) delivered in-person by trained personnel. However, by re-wording the conditions as proposed, it is our intention at this stage to retain a degree in flexibility in the course content given the pilot nature of the programme and to avoid being limited to those specific packages.

Requirement for a vulnerability assessment

- 4.18 In his foreword to the Protect Duty consultation, Security Minister, Rt Hon James Brokenshire MP, states:
- "I would encourage all readers of this consultation to consider the simple advice and to access the further reference sources provided at pages 9-11, in the section entitled 'An introduction to protective security for owners and operators of publicly accessible locations'."*
- 4.19 The document goes on to say that this section provides some simple security advice and further reference sources that all can follow.
- 4.20 The section advises that "it is important to consider **security as a system**, a combination of physical and/or behavioural interventions deployed in a complementary manner to mitigate key risks. Getting the "people" aspects right (e.g., developing and sustaining a security culture, encouraging vigilance, and providing appropriate and effective training) is at least as important as selecting (and correctly installing) physical security measures (such as security doors, blast-resistant glazing, fences, bollards, CCTV, electronic access control and intruder detection systems)."
- 4.21 In line with this concept of 'security as a system', it is proposed to amend the ML condition from requiring a 'vulnerability assessment' to a "security

assessment, which must incorporate counter terrorism measures". it is intended to include the guidance provided in the Protect Duty consultation '**An introduction to protective security for owners and operators of publicly accessible locations**' (Appendix 3) as an appendix to the ML model conditions. However, we intend on developing further guidance to support carrying out assessments in due course, including minimum considerations.

- 4.22 NACTSO Guidance (<https://www.gov.uk/government/publications/crowded-places-guidance/physical-security>) on Physical Security states:
"Physical security is an important consideration when protecting against a range of threats and vulnerabilities, including terrorism."
- 4.23 Therefore, the revised wording is intended to recognise the integrated approach to security matters at a licensed premises, whilst still requiring counter terrorism measures to be included in the assessment.
- 4.24 Relevant to this, it is proposed to seek to incorporate the ML principles as part of a new security and vulnerability initiative for licensed premises (Licensing SAVI) as set out below.
- 4.25 One of the recognised limitations in seeking to introduce Martyn's Law principles in the absence of legislation is that there would be no requirement for existing licences to include the conditions or seek to comply with them. The alternative (other than venues voluntarily applying to include the conditions on their licences or if imposed on a review of the licence).
- 4.26 Therefore, an accreditation process would give us a mechanism by which licensed premises could engage and adopt with key Martyn's Law principles to carry out a security/vulnerability assessment and enable them to identify risks and address them.
- 4.27 A practical option that officers are currently exploring is the recently launched Licensing Security and Vulnerability Initiative (Licensing SAVI).

Licensing Security and Vulnerability Initiative (Licensing SAVI)

- 4.28 Licensing SAVI has been developed by Police Crime Prevention Initiatives (PCPI) at the request of the Home Office.
- 4.29 PCPI is a not-for-profit organisation which delivers significant crime reductions at no cost to the Police Service or the public purse. The new Chief Constable for Greater Manchester Police, CC Stephen Watson, is a Board Member alongside other Chief Police Officers from England, Scotland, Wales and Northern Ireland and control and direct the work PCPI carries out on behalf of the Police Service.
- 4.30 The Licensing SAVI scheme is managed by Mark Morgan, who completed 30 years as a police officer in both the Metropolitan and Merseyside Police, finishing as the head of response policing for Merseyside. Mark previously led the police licensing teams for Liverpool and was a police lead for the

comprehensive 'designing out crime' partnership initiative in Liverpool City Centre.

- 4.31 Licensing SAVI is a self-assessment process guiding operators through an exploration of their existing policies, procedures, and physical security by asking a series of multiple-choice, in-depth, questions. A personalised report is generated upon completion indicating areas where strong and where there may be room for improvement, with the intention to provide a safe and secure environment for their managers, staff, customers, and local communities
- 4.32 The recommendations within the final report provide consistent guidance and benchmarks which are drawn from the Home Office, Police Service (including the National Counter Terrorism Security Office), Local Authorities, Fire and Rescue Service, Health and Safety Executive and the Security Industry Authority.
- 4.33 A final grading will be given in the form of a rating system from 1-5 Stars (with 5 Stars being the highest).
- 4.34 The Licensing SAVI licence lasts 12 months during which time the business can make improvements to increase their rating. Having reached a rating that the business is satisfied with, they can apply once within the 12 months licence period for the Licensing SAVI Accreditation.
- 4.35 The information contained in the Self-Assessment remains confidential to the business, unless they decide to share it with third parties, such as Responsible Authorities.
- 4.36 Further information is at <https://licensingsavi.com/> and at Appendix 2.

Chairman of the Manchester Arena Inquiry Recommendations

- 4.37 On 17 June 2021, the Chairman of the Manchester Arena Inquiry, The Hon Sir John Saunders, published Volume One of his report into the death of the 22 victims of the attack on 22nd May 2017. This report, Volume One: Security for the Arena is the first of three and examines the security arrangements in place at the Manchester Arena.
- 4.38 The Chairman has made several recommendations (Page 150 onwards). These include 'monitored recommendations', which means those recommendations that he intends, at this stage, to monitor and review the progress of implementation.
- 4.39 It is submitted that the following 'monitored recommendations' are particularly relevant to the proposed implementation of the Martyn's Law principles:

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| MR4 | A Protect Duty, as set out above, should be enacted into law by primary legislation |
| MR5 | NaCTSO should create a centralised library of training materials. |

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| MR6 | NaCTSO should issue guidance in relation to the completion of risk assessments addressing the threat of terrorism. |
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- 4.40 A centralised library and NaCTSO guidance would assist the implementation of the ML model conditions. In their absence, it is intended to include the guidance provided in the Protect Duty consultation (Appendix 3) as an appendix to the ML model conditions.
- 4.41 However, he has made several other recommendations, which are relevant to the operation of licensed premises generally, and it is proposed that it would be appropriate to implement relevant model conditions.
- 4.42 The recommendations are set out in bold

| Chair's recommendation | Chair's Comments (paraphrased) | Proposed Model Condition |
|--|--|--|
| It is necessary to continuously remind those whose job includes being alert to the terrorist threat of the level of it and what that level means in relation to the possibility of an attack. | <i>A high level of alertness needs to be maintained when the threat level is severe. There ought to be a risk assessment for every venue. A specific risk assessment for each event which involves the attendance of a substantial number of people. All risk assessments for large concert venues should include consideration of the risk of a terrorist attack.</i> | Reasonable steps must be taken to ensure all persons employed at the premises are aware of: (i) the current terrorist threat level; and (ii) what that level means in relation to the possibility of an attack All risk assessments for public entertainment venues must include consideration of the risk of a terrorist attack. |
| Robust procedures are necessary to counter the threat of a terrorist attack. The purposes of those procedures and the necessity of following them must be understood by those carrying them out | <i>In order for necessary security procedures to be maintained, each person needs to be reminded of the counter-terrorism aspect of their activities. The message that counter-terrorism measures are vital needs to be constantly reinforced.</i> | Add " The purposes of those procedures and the necessity of following them must be understood by those carrying them out " to proposed ML model condition 5 |
| Those responsible for security should be briefed at every event | <i>Those receiving the warning about the risk of attack have to be aware</i> | All persons responsible for security must be briefed at every event |

| Chair's recommendation | Chair's Comments (paraphrased) | Proposed Model Condition |
|---|--|---|
| about the current threat level and risk of terrorist attack. | <i>of the potential that they will become desensitised to the message. Those giving the warning need to be aware of this and must try to refresh the message so that it is sufficiently updated and relevant to attract the attention of the listener</i> | about the current threat level and risk of terrorist attack. |
| Any and all suspicious behaviour by event-goers or members of the public close to a venue must be noted. It must be reported promptly so that investigations can be made and action taken, if appropriate. | <i>Where hostile reconnaissance is suspected it needs to be properly recorded and reported to the police. Briefings to security staff need to include details of the suspected hostile reconnaissance. This is so that staff know what has happened and know what to look out for.</i> | All public facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. Any and all suspicious behaviour by customers or members of the public close to a venue must be noted and be reported promptly so that investigations can be made and action taken, if appropriate. Condition 33 relating to incident reporting has also been updated to address this. |

4.43 We are continuing to consider the Chairman's report and further amendments will be kept under review.

Joint letter from the Institute of Licensing and Night Time Industries Association

4.44 A joint IoL and NTIA letter has been sent to Chairs of Licensing Committees in councils across the country calling for pragmatism from licensing authorities saying, "Partnership working with businesses, to allow them to recover and make their contribution to the economy has never been more important."

4.45 The letter jointly signed by IoL Chair, Dan Davies, and Michael Kill, CEO Night Time Industries Association, continues:

"One of the key problems that hospitality businesses now face is a lack of resources including staff. This is a particularly serious problem when it comes to complying with licence conditions that depend upon staff resources.

"We are writing to you at this time to make you aware of the issues, and to ask that you take them into account in making case by case licensing decisions.

"This continues to be very important even as we emerge from the worst restrictions of the pandemic. Partnership working with businesses, to allow them to recover and make their contribution to the economy has never been more important. We hope that highlighting this crisis will assist in making informed and proportionate decisions."

4.46 A copy of the letter is provided as Appendix 4. The committee is asked to consider its contents.

5. **Next Steps**

5.1 In relation to the Martyn's Law, the proposed next steps are summarised below:

1. Model Conditions will be considered on a case-by-case basis and attached either (a) where consistent with the steps submitted in the operating schedule or (b) imposed where deemed appropriate for the promotion of the licensing objectives either following a hearing or where agreed between opposing parties.
2. A series of CT Awareness training packages delivered by CTPNW-trained personnel for licensed premises arranged by MCC in conjunction with local Counter Terrorism Security Advisors (CTSAs).
3. We will explore how accreditation can work for Licensing SAVI and specifically for the implementation of the principles of Martyn's Law.
4. Licensing Policy review to incorporate counter terrorism considerations. Proposed revised policy scheduled to go out to consultation no later than October.

6. **Conclusion**

6.1 A schedule of the proposed final conditions is attached at Appendix 1.

6.2 The Committee is asked to:

- i. consider the contents of the report and responses received to the consultation;
- ii. approve the proposed set of Model Conditions subject to any amendments the Committee see fit to make.