

**Manchester City Council
Report for Resolution**

Report to: Licensing Committee – 4 March 2024

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

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: All

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

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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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.

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

1. Introduction

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

2. Background

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

3. Standard Tier – Original proposals

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

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

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

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

4. Standard Tier – revised proposals

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

4.2. Instead, they must:

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

Evacuation – how to get people out of the building,

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

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

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

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

than the completion of a form.

5. Consultation – key questions

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

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

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

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

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

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

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

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

6. Officer comments

6.1. Members will be aware of the success of the ACT (Action Counters Terrorism) training for licensed businesses in Manchester in partnership with GMP and Cityco. Business feedback of the value of this training is overwhelmingly positive and there is concern that the consultation proposals seek to diminish the training standards we have achieved to date.

6.2. The emphasis on ‘responsive’ processes and procedures fails to promote implementation of proactive measures aimed at improving vigilance, such as

identifying suspicious behaviour and potential hostile reconnaissance.

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

7. Recommendations

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

8. Appendices

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