

Update on the Terrorism (Protection of Premises) Draft Bill, also known as ‘Martyn’s Law’

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Special Bulletin: Summarised Update

The House of Commons Home Affairs Committee (HAC) has published its review of the Terrorism (Protection of Premises) Draft Bill. Within its report the HAC welcomed the Government's intention behind the Draft Bill, however, expressed serious concerns about the proportionality of the Bill, especially in relation to the impact on smaller businesses and voluntary/community-run organisations that would qualify as a standard tier premises. The HAC state that there is a lack of evidence that the Bill will adequately reduce the threat from terrorism for smaller organisations. HAC raised other concerns regarding the unfinished provisions in the Draft Bill, the lack of clarity around the purpose of the Bill, the regulator and some of the duties required. The HAC commented that the Draft Bill could be improved upon, including introducing a provision for mandatory life-saving training and statutory standards for the design of new buildings. The HAC stressed that it was unclear on the estimated costs quoted by the Home Office on standard and enhanced tier premises, stating that the costs would be disproportionate to the level of threat, particularly for small and medium-sized premises captured in the standard tier. The HAC requested that the Home Office should publish the criteria used to calculate the estimated costs for qualifying premises to help them and Parliament understand them better.

The report noted that regulation of the law would be key and has challenged the lack of clarity on numerous points, including: 'who the regulator will be, whether it will be independent or not, how it operates and how it should be accountable'. Among possibilities as Regulator, the HAC included the Security Industry Authority (SIA), the Health and Safety Executive (HSE), or the potential for an entirely new regulatory body. It was made clear that it would not fall under the jurisdiction of the Counter Terrorism Police to ensure their ongoing impartiality.

On the point of 'publicly accessible outdoor events', the report agrees that they are a prime target for terrorists, whether or not express permission is needed to enter. The report advises the

Government should consider expanding the scope of the Draft Bill 'to include those outdoor events with a capacity of over 800 and where express permission and payment is not required to enter'. The report agreed with a Regulatory Policy Committee (RPC) rating of the Government's impact assessment of the Draft Bill as "not fit for purpose", stating that the 'overall objective of the Draft Bill remains opaque'; The HAC's view is that the Draft Bill would not have made a difference to the vast majority of the terrorist attacks that have happened in the UK in recent years; and the 'Government has not provided a rationale or any evidence for why capacity figures of 100 and 800 for standard and enhanced tier premises have been chosen'.

HAC asked for 'concrete proposals on the regulator within the next two months and an amendment to that effect to the Draft Bill before introducing the Bill to Parliament. The Government is due to respond to the report by September. If the Draft Bill is reviewed/revised in a timely manner, there is the potential for the proposed law to be part of the King's Speech when HM King Charles opens the next session of Parliament.

Other interesting points from the report include the suggestion that the Bill should include a provision requiring all new publicly accessible buildings (which would fall within the category of enhanced tier premises) to 'design-in' physical security measures at planning stages. This would remove the necessity to retrofitting security measures afterwards. Additionally, the report outlined a grave concern 'that the UK security industry has one of the lowest entry thresholds in Europe for training. Stressing it is simply unacceptable, and if the Government is serious about protecting the public from terrorist attacks, improving the training of those working in the security industry seems like an obvious step.'

The report urged the Government to work with the SIA 'to look to urgently standardise and improve training for security guards'. Security business licensing and training improvements were amongst the 'monitored recommendations'

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of the Manchester Arena Inquiry. The Home Office recently decided against making security business licensing mandatory, which left the SIA ‘disappointed’.

The report highlights the way in which first responders intervene after a terrorist attack and that it could be the difference between life and death. The Draft Terrorism (Protection of Premises) Bill provides an opportunity for the Government to ensure that large scale venues and public premises roll out appropriate medical training to staff, including security officers, on how to respond to casualties after a terrorist attack has taken place. The HAC stated the Home Office should include a provision in the Draft Bill to provide mandatory life-saving training to staff operating the premises, and they should also consider providing for mandatory bandage kits on those premises.

The response to the report has received mixed reactions, with some being critical of the findings whilst others have focused on the positive observations made by the HAC. There is a general acceptance that there remains a necessity for legislation to mandate protective measures to protect premises from terrorism, however, debate continues about the form that it should take and the thresholds that should be applied. Figen Murray OBE, the mother of Martyn Hett and founder of the Martyn’s Law campaign, has acknowledged that the Draft Bill does not cover everything that would ideally be included, however, she also believes that “The longer it’s [the Bill is] delayed, the more people are at risk.”

Mike Bluestone MA CSyP FSyI, Executive Director, Corps Consult, has provided the following statement in relation to the Home Affairs Committee report.

“The Home Affairs Committee report on the draft Terrorism (Protection of Premises) Bill (Martyn’s Law) certainly makes for interesting reading. Whilst the report expresses some reservations about certain aspects of the Bill, including proportionality, there are some encouraging comments regarding for example, the importance of training and the need to identify a specific regulatory authority. “The report also highlights the need for the Bill to capture open public areas such as farmers markets, Christmas markets, and other open spaces where the public congregate, and may therefore be vulnerable. For security professionals, the report references a potential shortage of skilled counter-terrorism experts, and this presents an opportunity for our professional sector to rise to the challenge.

“Of course, we are keen to ensure that the final legislation will capture smaller events and premises, and with that in mind we need to continue supporting Figen Murray OBE with her campaign to get the Bill on to the statute books in a timely way. It is after all a matter of national interest that we have more resilient and secure venues and premises, irrespective of scale and size. It is equally important that for relevant locations, the implementation of effective and proportionate preventative measures is mandatory, and with appropriate sanctions in place when serious failures occur.”



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