

**TAVISTOCK TOWN COUNCIL
BUDGET AND POLICY COMMITTEE
TUESDAY 5TH SEPTEMBER, 2023**

**BRIEFING NOTE
THE PROTECT DUTY (MARTYN'S LAW)**

1. INTRODUCTION

- 1.1 The Committee will be aware from various news coverage, and the passage through the Parliamentary process, of proposals to increase safety/security in public places in certain circumstances following the Manchester bombing of 2017.
- 1.2 As final measures are not yet known this report is for information only at this preliminary stage. Accordingly, it seeks to reflect, insofar as is possible, an understanding of developments to date.
- 1.3 A high-level summary from the National Security Inspectorate of the proposed obligation under the Bill is:

'Its purpose is to "keep people safe by introducing new security requirements for certain public locations and venues to ensure preparedness for and protection from terrorist attacks" by enhancing the protection of publicly accessible locations (PALs) without placing 'undue burden' on smaller businesses.'

- 1.4 More detailed information on the public consultation and Government response to the consultation is available at <https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document#:~:text=The%20Protect%20Duty%20would%20be,programmes%20to%20achieve%20this%20aim.>

2. CURRENT POSITION

- 2.1 As the Bill progresses through Parliament, and whilst no doubt there will be amendments along the way, it is prudent to begin anticipating its potential impact upon the Council as both landlord and event operator/facilitator. By way of overall context, the Government assesses the threat of a terrorist attack as being 'likely' which places the subject in the category where *'additional and sustainable protective security measures reflecting the broad nature of the threat*

with specific business vulnerabilities and judgement on acceptable risk'.

- 2.2 The Bill currently identifies 'qualifying premises' as:-
- Standard -100-799 capacity;
 - Enhanced – 800 plus capacity.
- 2.3 'Qualifying public events' being those with a capacity of 800 plus and accessible by members of the public who must be there by express permission only. The definition extends to free as well as paid for events.
- 2.4 Associated duties potentially include registration with a regulator, duty to coordinate, duty to cooperate and criminal sanctions.
- 2.5 It can be seen that the descriptions both of qualifying premises and qualifying public events are prescriptive insofar as they relate to either premises or events where access is/can be controlled. By way of example - a free to enter ticketed concert in a park with in excess of 800 attendees would be captured by the proposed legalisation, Notting Hill Carnival (or currently Tavistock Goose Fair) would not.
- 2.6 The core requirements for the standard tier (100-799 capacity) - associated with premises falling into this capacity would involve evaluation of:-
- A standard terrorism evaluation completed which must include information such as:-
 - The type of terrorism most likely to occur at the premises,
 - Terrorism prevention measures in place at the premises,
 - Harm reduction measures,
 - Procedures to be followed if a terrorist act occurred.
- 2.7 At the enhanced tier (800 plus) evaluation requirements would involve: -
- Production of a terrorism risk assessment;
 - Provision of terrorism protection training;
 - Named individual - 'designated senior officer' to be responsible for regularly reviewing and updating the terrorism risk assessment;
 - All 'reasonable practicable' measures that might be expected to reduce the risk of such an act occurring or the risk or scale of harm as a result.
 - A security plan.

- 2.8 It is anticipated, the Council will need to undertake, in due course, the applicable measures as listed above in relation to eligible premises. Currently it would appear that within the 'standard tier' the Town Hall, Pannier Market, Butchers' Hall and potentially Guildhall are captured.
- 2.9 The Town Council does not at the moment typically operate any events which fall within the current definition of the 'enhanced tier'. However, as referred to above there remains the possibility that events such as Goose Fair (which the Council delivers) and Dickensian Evening (which the Council supports) could in future be captured by any changes to the draft legislation.
- 2.10 This would address the anomaly that, for example, an event such as Liskeard Agricultural Show which attracts in the order of eight thousand people across a site extending to in the order of 20 acres is currently included, whereas Goose Fair which can attract double that number principally along Plymouth Road, Bedford Square and Bedford Car Park is excluded.
- 2.11 What is clear is that when enacted this legislation will materially add to other relevant legislation such as the Health and Safety at Work Act 1974, Section 17 of the Crime and Disorder Act 1998, obligations arising under the Occupiers Liability Act 1957, the obligations upon certain authorities in connection with Section 26 Counter Terrorism and Security Act 2015 and Section 4 Licencing Act 2003.

3. CONCLUSION

- 3.1 This report is for information only at this stage to highlight the obligations currently anticipated to be placed upon the Council, and potentially significant associated training/resourcing requirements, both for relevant managers and staff. It also acknowledges that, should circumstances change, and other street events such as Goose Fair and Dickensian Evening fall within its scope, that there will be substantial new resource obligations and accompanying responsibilities placed upon the Council.
- 3.2 Appreciation is expressed to Ms H Ball - SLCC Safety, Security and Policing Lead for access to various of the resources used in the preparation of this report. Any errors or omissions are the responsibility of the author.

**CARL HEARN
TOWN CLERK
TAVISTOCK TOWN COUNCIL
SEPTEMBER 2023**