

18th March 2024

Terrorism (Protection of Premises) Bill Consultation Protect and Prepare
4th Floor Peel Building
Homeland Security Group
Home Office
2 Marsham Street
London
SW1P 4DF

By email: MartynsLaw@homeoffice.gov.uk

Dear Sir or Madam

IoL Response to Home Office Consultation: Terrorism (Protection of Premises) Bill -
Standard Tier Government consultation

Please find attached the Institute of Licensing's response to the above consultation. The Institute of Licensing is the professional body for licensing practitioners across the UK, with circa 5,000 members from regulatory (local authority and police), industry and private practices.

The online response form did not allow us to submit accurate responses in relation to the nature of the organisation, hence I have submitted our response via email. Please could you acknowledge the safe receipt.

Yours faithfully



Sue Nelson
Executive Officer

Section 1: Information about you and your organisation

QA. Which of the following best describes you or your organisation?

The Institute of Licensing is the professional body for licensing practitioners representing circa 5,000 practitioners within local government, police, industry and private practice across the whole of the UK. Our response to this consultation has been drafted in consultation with a small group of members from regulatory, industry and legal sectors including representatives from Scotland and Northern Ireland.

QB. Do you own and/or operate any premises that would fall within the Standard Tier?

No

QC. IF YOU ANSWERED 'YES' AT QB: What is the estimated capacity of your Standard Tier premises based on capacity calculations you already have in place?

IF YOU ANSWERED 'NO' OR 'DON'T KNOW' AT QB: What is the estimated capacity of your premises based on capacity calculations you already have in place? If you own or operate multiple premises, please provide an answer based on your typical capacity size.

Not answered

QD. IF YOU ANSWERED 'YES' AT QB: How many people work for you or your organisation (whether paid or not) at your chosen Standard Tier site (in relation to which you are answering this survey)?

IF YOU ANSWERED 'NO' OR 'DON'T KNOW' AT QB: How many people work for you or your organisation (whether paid or not)? If you own or operate multiple premises, please provide an answer based on your typical capacity size.

Not answered

QE. Which of the following best describes the nature of your organisation?

Registered charity and professional body.

QF. In which of the following sectors do you or your organisation primarily operate?

Our areas of interest include all public regulatory licensing including alcohol and entertainment under the Licensing Act 2003, which will encompass retail sale of alcohol, hospitality, entertainment, sports grounds and leisure facilities, conference and other venues for hire.

QG. In which part of the UK are you based?

The Institute of Licensing operates across the whole of the UK with 12 regions covering England, Scotland, Wales and Northern Ireland.

Section 2: Your views on the proposed Standard Tier

i Thank you for your responses so far. The next section of this survey is about the proposed Standard Tier

i The current threat picture is complex, evolving, and enduring, with terrorists choosing to attack a broad range of locations. Martyn's Law will ensure premises in the UK are better prepared for and protected from terrorist attacks, therefore reducing their impact.

i The UK Government's view is that the Standard Tier will drive good preparedness outcomes. Those responsible for Standard Tier premises will be required to undertake simple yet effective activities designed to increase staff awareness of the right protocols and procedures to follow in the event of a suspected attack. The ultimate aim of this approach is to reduce harm to staff and the general public.

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

Agree [Go to the information above Q2](#)

Q1a Which of the following best describes why you disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

Not answered

i As outlined in paragraph 18, we (the UK Home Office) have revised the requirements in the Standard Tier. Those responsible for Standard Tier premises will be required to have in place reasonably practicable procedures to follow in the event of an attack. We have also removed the requirement for specific terrorism protection training. Instead, training or instruction will be what is sufficient and appropriate to ensure procedures are effectively in place in light of their circumstances and that staff are aware of the actions to take and protocols to follow in the event of an attack. Guidance will assist those responsible for standard duty premises.

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)?

Neither agree nor disagree [Go to Q3](#)

Q2a Why do you agree that the revised requirements are more appropriate than the previous requirements?

Not answered

Q2b. Why do you disagree that the revised requirements are more appropriate than the previous requirements?

Not answered

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?

Don't know [Go to Q4](#)

Q3a. Why do you think the Standard Tier requirements will not be or will only be slightly successful at improving feelings of safety for staff and visitors at premises within the Standard Tier?

Not answered

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)?

Don't know [Go to Q5](#)

Q4a. Why do you think the revised requirements will be difficult for those responsible for Standard Tier premises to take forward?

Not answered

Q5.

What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?

We have significant concerns about the wider proposals and lack of specific detail about Martyn's Law.

While the revised proposals for standard tier premises are unlikely to be a major cause for concern, **we are reliably advised that there is little awareness in Northern Ireland (and potentially Scotland)** about the incoming proposals generally or this consultation in particular.

In addition, there is still no confirmation of the identity of the new Regulator, and no apparent consideration of the fact that most if not all premises which fall within the scope of Martyn's Law (particularly within the Enhanced Tier) will be subject to regulation already in some form or another, whether via the licensing system for alcohol and entertainment, sports ground safety requirements or through health and safety regulation.

As a result, there is significant concern that new measures brought about through Martyn's Law will create duplication with other regulatory regimes, confusion for premises operators and may potentially undermine existing regimes. Other than the mention of SILA (Sensitive Information in Licensing Applications), there is little reference to licensing or other regulatory regimes within the Impact Assessment and no information setting out how the new arrangements will work with existing regimes including compliance monitoring, inspection and enforcement activities.

Local authorities and local police services have established relationships with premises operators and knowledge of premises in their areas through the existing regimes, and it seems shortsighted to devise a new regulatory regime without involvement by licensing, health & safety, planning and education authorities to ensure the best mechanism for engagement, information and encouragement all of which will be needed ahead of compliance monitoring and/or enforcement. These local authorities are severely underfunded at present with huge pressures on them to make further savings, and within licensing, some regimes operating at a loss currently. Additional funding and support would enable them to play an important role in relation to the incoming requirements and we consider the need to at least consider this element to be critical.

There are pertinent questions about how the new Regulator will effectively engage with premises that come into scope under the standard tier. The standard tier consultation estimates that 278,880 premises fall into the standard tier. The initial Impact assessment estimates that 5% of premises will be inspected each year, making 13,944 inspections of standard tier premises per year. It says that each inspection will take 5 days to complete and write up. That implies 69,720 working days. Yet it says that this will be done by 56 inspectors which equates to each inspector working 1,245 days per year, on inspections of standard tier premises alone.

The addition of those premises falling within the Enhanced Tier further complicates the position. The initial Impact Assessment states that there will be over 303,000 premises within the two tiers (278,880 standard and 24,268

enhanced). It suggests that 5% of premises will be inspected each year, equating to more than 15,000 inspections per year. With each inspection taking 5 days to complete and write up, this amounts to 75,750 working days. Again, using the average of 56 inspectors this would equate to each inspector working 1,352 days per year, just on inspections.

There are further concerns that there is no differential between premises and outdoor open-air events, either relating to premises or place characteristics, or the nature of the event. This is already a complex area with different approaches in different environments when it comes to other regimes such as licensing. For example, agricultural shows and other large-scale events including community led events such as carnivals, fetes etc., will not fit neatly within the definitions of 'premises' or 'event', but will likely attract huge crowds in some cases. In contrast, somewhere like London's Borough Market, is a much smaller scale permanent space, potentially falling within the standard tier, but as we know to our cost, is just as likely to be subject to a terrorist attack.

Under the current proposals, all premises (or places) with a capacity of over 800 will be caught within the Enhanced Tier. There is an argument to say that while premises with a capacity of 800 would be considered a large premises, a festival or outdoor event with a similar capacity would likely be considered a small and potentially low risk event. As a result, there are concerns that those small outdoor events will be caught within the Enhanced Tier and requirements of Martyn's Law could have devastating consequences, particularly for grass roots music festivals, along with community events many of which are run by volunteers.

The Impact Assessments (IA) raise their own queries, possibly due to the lack of detail on proposals. For example, the latest IA states that the cost of the Regulator has changed due to revisions around the possible costs of delivery – the revised possible costs down from £130.4 million to £57.7 million – a very significant decrease which is presented with no information in relation to the Regulator's identity or what changes have been made to effectively save over £70 million.

In conclusion, it is incredibly difficult to understand the impact of the requirements where so much of the detail is currently unknown. The Institute of Licensing supports the need for a Protect Duty and would be happy to work with the Home Office in developing the proposals. We would urge the Home Office to widen its consideration to better understand how the new requirements will work alongside existing regimes and the potential for existing regulators to be part of the new regime.

i Information in this box relates to Q6, Q6a and Q7.

i Q6 should only be answered by **Standard Tier premises operators/owners excluding consultants** – this applies if you answered with option 1, 2 or 3 at QA and option 1 at QB. Please read the following information and then answer Q6.

i All others should read the information in this box and then go to Q7.

i Following on from Impact Assessment detail in paragraphs 42-45, below is a summary of the costs of the Standard Tier of Martyn's Law:

i The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV/Present Value) over the full appraisal period of 10 years. This is an economic cost from working hours being taken up to complete counter-terrorism planning and training, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year. This is likely an upper estimate, with the addition of a reasonably practicable test meaning that some sites will face reduced costs. For more information, you can read Annex A.

Q6.

How concerned, if at all, are you that the cost of meeting the Standard Tier requirements will affect your organisation's financial ability to continue operating?

Not answered

Q6a

You indicated that you're concerned about your organisation's ability to meet the cost of Standard Tier requirements. Please help us understand your concerns by providing detail below.

Not answered

Q7.

Given this cost assessment, how would you think any costs of the Standard Tier should be met?

Not answered

i As outlined in paragraphs 29-32, the training expected as a result of the proposals is now limited to that which forms part of ensuring that there are effective procedural measures to reduce the risk of harm in the event of a terrorist attack. Workers must have sufficient awareness of what they need to do in the event of an attack, i.e. the procedure to be followed, for such measures to be in place. Organisations should ensure training is right for their specific needs and relevant to the roles of specific staff.

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.

The revised proposals are clearly less of a burden on standard tier organisations.

Q8a. Why do you think there is more burden on Standard Tier organisations with the new approach compared to the previous approach? Please provide detail below.

Not answered

i Q9 should only be answered by Standard Tier premises operators/owners or those who are security consultants or are responsible for security at premises or events – this applies if you answered with option 3 or 5 at QA or option 1 at QB. Please read the following information box and then answer Q9.

i All others should go to Q10.

i Standard Tier requirements will focus on procedures to be enacted in the event of an attack as set out at paragraph 22. These surround evacuation, invacuation, securing the premises and communicating with individuals on the premises. Security partners advise that consideration of these activities, in the event of an attack, will lead to the most relevant and effective actions to save lives. These procedures focus on activities that will help to keep people away from danger.

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.

Not answered

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.

Not answered

Q10a

Why do you say that the Standard Tier procedures in Martyn's Law will place more burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Not answered

Q10b Why do you say that the Standard Tier procedures in Martyn's Law will place about the same burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Not answered

Q10c Why do you say that the Standard Tier procedures in Martyn's Law will place less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

Not answered

i Q11 and Q12 should only be answered by Standard Tier premises operators/owners – this applies if you answered with option 1 at QB and any of options 2-8 at QC.

i All others should go to the information box after Q12a.

Q11.

If volunteers work at your premises, who is responsible for planning Health & Safety and Fire Safety policies and procedures?

Not answered

Q12.

If volunteers work at your premises, what arrangements do you make for training on Health & Safety and Fire Safety?

Not answered

Q12a How does training on Health & Safety and Fire Safety for volunteers differ, if at all, from that for paid employees? Please provide detail below.

Not answered

i Thank you for responding to the consultation survey. You have answered all questions.