

North East Derbyshire District Council

Licensing and Gambling Acts Committee

7 February 2022

Introduction of a 'Protect Duty' – Martyn's Law

1. On Monday 19 December 2022, the Government announced that it intended to introduce legislation to establish a Protect Duty, that will be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.
2. The Government has indicated that it will introduce the Protect Duty as soon as parliamentary time allows. It has confirmed that the Bill will impose a duty on the owners and operators of certain locations to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there..
3. The two primary objectives for Martyn's Law will be to:
 - i) Clarify who is responsible for security activity at locations in scope, thereby increasing accountability
 - ii) Improve outcomes UK-wide so that security activity is delivered to a consistent level. An inspection and enforcement regime will seek to educate, advise, and ensure compliance with the Protect Duty.
4. Wherever possible and appropriate the policy has been aligned to wider regimes designed to keep the public safe (e.g., Health and Safety and Fire Safety) to increase ease of understanding. Proportionality is a fundamental consideration for the Protect Duty. It will therefore establish a tiered model linked to activity that takes place at a location and its capacity. This will prevent undue burden on premises in scope:

Standard- will drive good preparedness outcomes. Locations with a maximum occupancy of greater than 100 people at any time will be required to undertake low-cost, simple yet effective activities to improve protective security and preparedness. This will be achieved by accessing free awareness raising materials and development of a basic preparedness plan considering how best a location can respond to a terrorist event in their locale.

Enhanced- focussed on high-capacity locations in recognition of the potential consequences of a successful attack. Locations with an occupancy of 800+ at any time will additionally be required to take forward a risk assessment and subsequently develop and implement a security plan. Enhanced Duty holders will be required to meet a reasonably practicable test.

5. Locations with a maximum occupancy at any time of less than 100 will fall out of scope, however, they will be encouraged to adopt good security practices on a voluntary basis. This will be supported by free guidance and training materials. To ensure that Martyn's Law is agile and responsive, Government will have the ability to adjust capacity thresholds in response to changes in the nature of the terrorist threat.
6. The Government will establish an inspection and enforcement regime, promoting compliance and positive cultural change and issuing credible and fair sanctions for serious breaches.
7. Dedicated statutory guidance and bespoke support will be provided by the Government to ensure those in scope can effectively discharge their responsibilities.

Implications for the Council

8. Given the nature of the tiered model, all NEDDC assets would fall within the '**Standard**' tier (100 to 800 capacity). This would result in the need for regular awareness training for staff, a counter terrorism risk assessment (and implementation of mitigating actions and emergency procedures in the event of a terror attack (e.g. what to do in a knife attack scenario)). Operationally this follows the same process as fire awareness training, fire risk assessments and fire evacuation plans.