

18 MARCH 2024

PR7-24 | MARTYN'S LAW STANDARD TIER CONSULTATION

Introduction

We are writing in response to the Home Office consultation on the Martyn's Law (Draft Terrorism [Protection of Premises] Bill) standard tier.

The National Association of Local Councils (NALC) is the national membership body that works with the 43 county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover more than 90% of the geography of England and over a third of the population and invest over £3 billion per year to improve and strengthen communities.

Summary

- We think the proposed changes to the standard tier of Martyn's Law are more appropriate on balance for the broad spectrum of organisations in scope, than the original requirements included in the Draft Terrorism (Protection of Premises) Bill published in May 2023. Our main view is that the minimum standard tier threshold should be retained at 100, but we recognise that this could create some difficulties for smaller bodies, including for some local councils and charitable halls. However, both in community halls and in parks, many events are run by community groups other than those responsible for managing the premises. The government must ensure that it also reaches out to engage with this wider sector. The government must also in final guidance ensure that it clarifies the distinction in practice between premises which can hold more than 100 people and events where it is uncertain whether more or fewer than 100 people will actually turn up.
- On balance we consider the minimum qualifying threshold for the standard tier for this crucial bill to be about right and well considered at 100 for the breadth of local councils. We have received some representations from within the local council sector (and we know this is the view of Action for Communities in Rural England [ACRE]) that if the minimum threshold for

this tier was 200 persons, it would take out of scope many village halls (many of which are constituted as unincorporated associations) and their user groups who are not well resourced to generate their own anti-terrorist guidance or terrorist plans. **For this reason, we think that village halls managed by unincorporated associations should be removed entirely from the scope of these standard tier proposals as liability would fall entirely upon a handful of well-meaning volunteers.**

- We have been asked to highlight that whilst all life is precious, and this initiative is about sharing best practice and the principle is right that all relevant public premises holding events should be legally required to be prepared to deal with a terrorist attack, the risk in village halls is minimal and there will be a significant number of village halls and their user groups ill equipped to comply with the bill's current standard tier proposals with the qualifying threshold being 100. We want to prevent harm to the public. We do believe there is an interpretive narrative in regard to buildings having either expressive or implied access for the public. Village halls are generally locked so the public at large cannot simply access them by walking in unaccompanied, for instance.
- The new requirements will be challenging many smaller local councils to put in place and will incur some cost. The new requirements do not fully consider the diversity of premises owned or managed by local councils in the standard tier (for instance many larger and medium sized local councils will likely own and manage at least one standard tier property). Templates and guidance tailored for local councils to aid standard tier compliance should be developed (including a template standard tier evaluation form and advice and guidance on how to frame policies suitable for preparing standard tier premises owned/managed by local councils for a possible terrorist attack).
- We have been informed by local councils completing a sector specific snapshot survey we issued in February 2024 that the new requirements will be difficult to put in place and still costly, and that the new measures do not properly factor in the sheer diversity of standard tier premises owned/managed by local councils. Additionally, we have heard from local councils that it will likely be difficult for them to add anti-terrorism protocols to future health and safety / fire procedures in terms of both time and specialist knowledge, particularly when buildings are not staffed. Home Office need also to be aware of the additional burden even the current more diluted proposals may have on for instance village halls managed by charitable trusts which may have some form of local council representation or element in their governance arrangements. The additional burden placed on village halls managed by charitable trusts could potentially put their viability at risk. Protecting all life is key, but risk and operational burdens do need to be managed smartly by the government.
- More, tailored training will increase protection and raise awareness of the terrorism threat not only for staff, but also for volunteers and councillors on

local councils. There is also a need for greater clarification regarding how outdoor events organised (for example: summer fetes, carnival processions or Remembrance Day services) by local councils fit into the standard tier if at all. The government also needs to clarify its requirements around in-vacuation and evacuation procedures at standard tier events organised by local councils, as these are apparently still unclear.

Consultation questions

NALC's responses to the main consultation questions relevant to local councils in the consultation document are below **(short answers are the selected response from the multiple-choice options provided; longer responses are qualitative and represent NALC's broader discursive views on the Martyn's Law standard tier):**

Section 1: Information about you and your organisation

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

Other.

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

Local government.

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

Other sector.

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

England.

Section 2: Your views on the proposed Standard Tier

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.

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)?

Agree.

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

We think the proposed changes are more appropriate for the broad spectrum of organisations in scope.

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?

Moderately successful.

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)?

Neither difficult nor easy.

Q5. What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?

The new requirements will be challenging for many smaller local councils to put in place and will still incur some cost. The new requirements do not fully consider the diversity of premises owned or managed by local councils in the standard tier (for instance many larger and medium sized local councils will likely own and manage at least one standard tier property). Templates and guidance tailored for local councils to aid standard tier compliance should be developed (including a template standard tier evaluation form and advice and guidance on how to frame policies suitable for preparing standard tier premises owned/managed by local councils for a possible terrorist attack).

We do need to highlight here that all life is precious, this initiative is about sharing best practice and the principle is right that all relevant public premises holding events should be legally required to be prepared to deal with a terrorist attack – but there will be a significant number of village halls and their user groups ill equipped to comply with the bill's current standard tier proposals with the qualifying threshold being 100 particularly when halls are not staffed.

Home Office need also to be aware of the additional burden even the current more diluted proposals may have on for instance village halls managed by charitable trusts which may have some form of local council representation or element in their governance arrangements. Protecting all life is key, but risk and operational burdens do need to be managed smartly by the government. Village halls with this type of management structure are typically run by local volunteers

who may be ill-prepared or unwilling to accept the additional responsibilities imposed by the current standard tier proposals. A reduction in the number of these volunteers, together with the cost of complying with the new requirements, could potentially put the viability of some village halls at risk. **For this reason, we think that village halls managed by unincorporated associations should be removed entirely from the scope of these standard tier proposals as liability would fall entirely upon a handful of well-meaning volunteers.**

There is also a need for greater clarification regarding how outdoor events organised by local councils fit into the standard tier if at all. We think that many local councils hold and manage outdoor premises where qualifying standard tier events are held. One aspect we have heard the government therefore needs to clarify is whether events where only a car parking charge is levied, or where the entry is by buying a programme at the entrance, are in scope of the standard tier. The government also needs to clarify its requirements around in-vacuation and evacuation procedures at standard tier events organised by local councils, as these are apparently still unclear.

We agree with the LGA that some councils may be unaware that their premises fall into the scope of the standard tier, so more communication with councils would be welcomed.

Q7. Given this cost assessment, how would you think any costs of the Standard Tier should be met?

The costs should be shared equally by the premises owner/operator and the customers of the premises.

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.

About the same.

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.

More.

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.

We have been informed by local councils completing a sector specific snapshot survey we issued in February 2024 that the new requirements will be difficult to put in place and still costly, and that the new measures do not properly factor in the sheer diversity of standard tier premises owned/managed by local councils.

Additionally, we have heard from local councils that it will likely be difficult for them to add anti-terrorism protocols to existing health and safety / fire procedures in terms of both time and specialist knowledge particularly where buildings are not staffed. This will be particularly true for village halls managed by charitable trusts. The reality is that for most local councils in rural areas, the prospect of a terrorist attack is one more risk to add to the other risks that they have to manage (for example, a fire, power outage, firework accident, or similar). Therefore, the government should more broadly still seek to factor in terrorist threat management to risk management exercises which public bodies already have to take, where possible.

There needs to be more of an emphasis on training provision specifically tailored for both local government and local councils to enable compliance with standard tier requirements as it is our belief that most local councils who own or manage facilities capable of hosting community events – likely own or manage 1 facility which would host such events in the standard tier range. As such our member councils are also asking the government to provide greater clarity for outdoor events they often host potentially in scope of the standard tier but for which there is currently still some uncertainty.

For further information on this response contact Chris Borg, policy manager, on 07714 771049 or via email at chris.borg@nalc.gov.uk.