

**SHREWSBURY TOWN COUNCIL
RECREATION & LEISURE COMMITTEE
15 MARCH 2023**

Officer: Helen Ball (Town Clerk)

MARTYN'S LAW

PURPOSE OF THE REPORT

To update the Committee on the future legislative rollout of Martyn's Law and the impact this will have on the Town Council.

BACKGROUND

At the March 2022 Recreation & Leisure Committee the Town Clerk reported on the likely introduction of legislation designed to protect the public in the event of a terrorist attack. This resulted in the Town Council adopting a Policy around Security Planning (appended to this report).

It was reported in March 2022 that Government had previously consulted on the recommendations of the Manchester Bombing Inquiry; namely a statutory Protect Duty and at the time of last year's meeting a government response to that consultation had been published. The Queen's Speech to the House in June last year detailed Government's commitment to bringing forward legislation and just before Christmas last year Government provided further detail [Martyn's Law Factsheet - Home Office in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2022/03/22/martyns-law-factsheet-home-office-in-the-media/).

MARTYN'S LAW

Further details were shared on a recent Home Office Webinar.

Legislative proposals will identify Qualifying Premises, Qualifying Activities and Capacity Thresholds:

Qualifying Premises

Premises will include buildings including any land on which that building occupies and any land with a readily identifiable physical boundary (be that permanently or temporarily (eg heras fencing at an event)).

Qualifying Activities

Activities are broad including sporting activity, entertainment, shopping, visitor attractions as well as local government buildings.

Threshold Capacity

There shall be two thresholds:

- Standard – 100-799 capacity
- Enhanced – 800+ capacity

Requirements

There shall be various statutory requirements:

Standard threshold properties will be required to prepare a Preparedness Plan

Enhanced threshold properties are required to undertake much broader planning, including:

- Risk Assessment on the vulnerability of the property to terrorist attack
- Security Plan detailing all reasonable practical mitigating measures. This Security Plan must be recorded, auditable and reviewed.
- Framework for measures in the event of an emergency. This should include physical measures, people, systems and processes.

Responsible Person

A “responsible person” (i.e. a person in control of the building/land) will be required to prepare these measures and there shall be a duty to co-operate both where there are multiple premises within one building (e.g. Shopping Centres) and also where the owner of the property is not necessarily the person in control of the building (this would affect Events in the Quarry as well as the leases of Community Centres).

Government Regulator

Government shall appoint a regulator to ensure compliance. It is not yet known whether it shall be a new Government body or whether the remit of an existing Government body will be extended. That body will be given a number of legal powers including Power of Entry, Power to Access Areas, Powers to obtain data and Power to Interview Staff.

Sanctions will be determined by the Regulator and will range from Site Close & restrictions to Fine/Monetary Penalties and for serious breaches Criminal Prosecution.

Timetable

Government has not set specific dates other than to say that the Bill will be published in Spring, reviewed by the Home Office Select Committee, tabled for Parliamentary Debate before enactment and it is anticipated that there will be time allowed for preparedness.

MATTERS FOR THE TOWN COUNCIL TO CONSIDER

1. The Town Council’s Approach to Security Policy is scheduled for its annual review. This has been reviewed and amended. It is therefore proposed that this should be re-adopted as the temporary default position;
2. Key front-line staff have undertaken the Action Counters Terrorism (ACT) & See, Check & Notify (SCaN) Training to ensure they know the tell-tale signs of any terrorist activity. Senior officers have undertaken Joint Emergency Strategic Interoperability Protocols (JESIP) Awareness Training. Staff learning should be refreshed annually;

3. All Counter Terrorism information is cascaded from the National Counter Terrorism Security Office (NaCTSO) on to its one-stop platform [ProtectUK](#). There is also an APP which has all the necessary risk methodology processes and checklists need to follow in the event of an emergency. All front-line staff should have phones which will allow the APP to be accessed.
4. The Qualifying Premises, Activities and Thresholds are likely to affect a number of locations and activities which will require the production of various documentation by a “Competent Person”. There is currently no definition of what a “Competent Person” is. After clarification Council will need to consider whether any current member of staff can be classed as competent currently or competent with specific training or whether it might be a service the Council would need to buy in (like Fire Risk Assessments);
5. Much of the criticism of the Manchester Bombing was that whilst there were emergency plans, they had not been tested. This new process will regulate the need for testing. Discussions are ongoing with the Safety Advisory Group as to the potential of developing Desktop Scenario Exercises to test the elements of a Security Plan and the interoperability of various partners that will inevitably be involved. Given the current resourcing of the emergency services, there will be a requirement for Town Council staff to step up to support an emergency on land owned by the Town Council, therefore preparedness is crucial. There is likely to be a resource implication to facilitate such an activity.

RECOMMENDATIONS

- (I) That the report be noted;**
- (II) That the Approach to Security Planning be re-adopted;**
- (III) That Officers retain a watching brief on the rollout of legislation;**
- (IV) That the Town Clerk:**
 - a. Considers the implications of Qualifying Premises, Activity, Capacity on Town Council Assets and Activity;**
 - b. Determines the personnel that would be required to prepare for new legislation with any required training, phone capacity etc and fund accordingly;**
 - c. Determines the competency levels of staff to meet the requirements of the legislation and funds accordingly;**
 - d. Develops a regime to test any plans to meet the requirements of the legislation and funds accordingly;**
- (V) That Officers continue to keep this committee abreast of progress**