



Home Affairs Committee

Oral evidence: [Pre-legislative scrutiny of the Terrorism \(Protection of Premises\) Draft Bill](#), HC 1359

Tuesday 6 June 2023

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[Watch the meeting](#)

Members present: Dame Diana Johnson (Chair); Paula Barker; Marco Longhi; Tim Loughton; Alison Thewliss.

Questions 1-52

Witnesses

[I](#): Figen Murray OBE, Campaigner for Martyn's Law and mother of Martyn Hett (one of the victims of the Manchester Arena attack), and Nick Aldworth, Director, Risk to Resolution Ltd.

[II](#): Neil Sharpley, Policy Chair, Federation of Small Businesses, Cllr Clive Woodbridge, Deputy Chair of the Safer and Stronger Communities Board, Local Government Association and Mayor of Epsom and Ewell Borough Council, and Jane Gratton, Head of People, British Chambers of Commerce.

[III](#): Mark Gardner, Chief Executive, Community Security Trust, and Mike Kill, Chief Executive Officer, Night Time Industries Association.

Written evidence from witnesses:

[Local Government Association \(LGA\)](#)

[Figen Murray OBE, Nick Aldworth, and Brendan Cox](#)



Examination of witnesses

Witnesses: Figen Murray OBE and Nick Aldworth.

Q1 Chair: Good morning, everybody. This is the first of two sessions in which we are carrying out pre-legislative scrutiny, at the request of the Home Office, of the Terrorism (Protection of Premises) Bill, which was published last month.

Before I come to our first panel, I just want to say that 22 May marked the sixth anniversary of the Manchester Arena attack, which saw 22 people tragically lose their lives and left many injured. Today, we are very pleased to welcome the mother of Martyn Hett, who sadly lost his life in that attack. She has been the driving force behind the draft Bill, which aims to help protect the public from terrorist attacks in public spaces.

Both witnesses are very welcome today. Would you just like to introduce yourselves?

Figen Murray: My name is Figen Murray. I am the mother of Martyn Hett, who died at the arena attack.

Nick Aldworth: Good morning. My name is Nick Aldworth. I am the UK's former counter-terrorism co-ordinator, the author of the proposal that has become the draft Bill, and Figen's buddy.

Q2 Chair: We are very pleased to see you today, and I know that you have worked in Parliament, Nick.

We are very mindful that this may be quite a difficult session for you both, and we just want you to take your time. If you need to have a break, please say so. We are very pleased to have this opportunity to hear directly from you.

Figen, you kindly provided us with a video, which all the members of the Committee have had a look at. In it, you set out very clearly your thoughts about this legislation. I must say that it was quite harrowing to watch. Thank you for doing it. Would you like to set out your thoughts generally about this legislation? In particular, you set out in the video some of the concerns about points that are not addressed in the Bill, where you would like to see further action. If you would both just talk a little about the Bill, that would be helpful.

Figen Murray: First of all, thank you to everybody for watching the video—I hope you were all okay afterwards. It was not an easy watch, I'm sure, but it was really important to make it and send it to you, because I need people to understand that, when you lose somebody in such a violent way, it completely destroys families. I am a broken person; I am not completely not functioning, but I am different. Every single family that has been affected by terrorism in that way is a changed family. The whole purpose of me doing this is literally to try to make sure that another



HOUSE OF COMMONS

mother, another father, another sibling, another relative does not suffer the way we have. It is completely life-changing.

The legislation is so important to me. I always see Martyn's law as very no-nonsense, common-sense legislation that, frankly, personally speaking, should be there already. People have the right to be secure when they are out and about. We live in a democratic country, and people ought to be able to safely enjoy the freedom that this country offers. Unfortunately, terrorists have changed the way they operate. They no longer ring in advance and warn people; they just get radicalised in their bedroom, go out and kill people by any means, and it can be simple. Therefore, as the general public, we need to be kept safe.

Q3 Chair: Thank you. Is there anything you want to say about what else you would like to see in the Bill?

Figen Murray: Martyn's law isn't going to stop all attacks, but I realised during the inquiry how quickly somebody can, for instance, bleed to death—within three to five minutes. If something does happen, any security, for instance, who are in a building will, by default of being there, become first responders. So I would really like to see a mandatory life-saving training element in the standard tier.

But I also feel that there are issues, which I am sure Nick Aldworth will go into in far more detail, about boundaries. The way the legislation is looked at at the moment can create loopholes for people to try to avoid coming under it. As I said, Nick will explain that in more detail, but those are the real concerns I have.

Q4 Chair: Thank you very much for that; that is very helpful. Nick, would you like to pick up on the Bill?

Nick Aldworth: Thank you. You will have to excuse me: I find these events quite challenging. That is partly because Figen has this amazing way of presenting this incredibly thick veneer around what is going on inside, but I regularly see what is going on inside, because she is my friend. I find that quite hard, to be honest with you—I really do.

However, trying to keep it together for a moment, if you have read my CV, you might have noticed that this weekend was my 40th anniversary of entering the world of protective security and counter-terrorism. I have seen every weapon you can imagine used against terrorists—every intelligence tool, every investigative technique. This is the most powerful tool that we will ever create.

The reason I say that is because, as Figen has just alluded to, the nature of terrorism across the world has changed from being organised through a central brain to being delivered through self-radicalisation. Effectively, terrorists have mobilised their own society. What this law does is mobilise our society to respond to that threat, which is ever-nascent.

If we walked away today and the Bill stayed in its current form, I would be able to look Figen in the eye and say, "That's made a difference." But



HOUSE OF COMMONS

there are things that we could do to improve it, given the opportunity of perhaps discussing those. We sent the Committee a white paper and, without taking up too much Committee time and going into much detail, the detail is contained in there.

We believe that the law could be improved by finding a mechanism through which some events can be included. Currently, ostensibly outdoor, unboundaried events through which members of the public can pass without payment or ticketing will not be covered by the legislation. To put some colour on that, Christmas markets jump to my mind. My sense is that that is a gap that would benefit from being filled because we have seen those sorts of events being attacked around the world. When we reflect on 2017, almost all those events took place in public spaces that would probably not be protected by the Bill. I ask the Committee to give consideration to that.

I know that there will be witnesses providing you with evidence around concerns about the cost to businesses, and the impact assessment for this legislation reflects that as well. What I think would also benefit this and would actually mitigate some of those concerns is something contained in a paper from the Register of Security Engineers and Specialists. It talks about finding a mechanism for drawing in statutory standards for the design of new builds. We have known for a long time that the most effective and cost-effective way of protecting somewhere is if you build it in at the start, rather than fit it retrospectively.

The final thing I would offer to the Committee for improving this Bill is greater clarity and function around the regulator. Clearly, there is a great deal of work inside the Bill around what the regulator will be empowered to do. We say to the Committee that the regulator is absolutely critical to the success and intent of the Bill and our intent is not for this to be a punitive measure. Our intent is for this to be a piece of legislation that will help people improve. It will make us more secure. It will make us safer through people—granted being required—engaging with improvement.

It is really important that we get the regulator on this right. There are people it could be and there are people that it definitely shouldn't be. For me, it is someone who can improve and who has the ability to work, particularly with small businesses, and talk about what proportionality really looks like. It is not about the big hammer. It is not about asking everyone to put in £1 million bollard schemes around their small shops. It is about what is realistic and what can be achieved.

- Q5 **Chair:** That is very helpful; thank you for that. We have a number of questions that we want to ask, but could I just go back to you on the issue around non-boundary events? What would you say to the idea that provision already exists, say for Christmas markets? I went to the Lincoln Christmas market last year, which is huge. What would you say about the fact that there are already security arrangements and engagement with local authorities that would deal with some of the things that are going to be in Martyn's law, hopefully, so you do not need to put it into Martyn's law? What would you say about that?



Nick Aldworth: I would say that they are discretionary, and that the application and care given up and down the country is really inconsistent. I have been to similar large Christmas markets, which were really well protected. I have been to others where I have wanted to walk away really quickly because I felt unsafe. What Martyn's law could do, rather than placing a burden on the stall holders, is apply to the local authority, to say, "You must consider applying conditions according to the circumstances for which you are about to grant this event." That is the problem at the moment: the Licensing Act and the sports safety advisory groups—none of those are required by law to apply conditions around counter-terrorism or even consider counter-terrorism. There is a statutory obligation that local resilience forums exist, but no statutory obligation about the things they must consider.

I am going to sound like a bit of a geek, I'm afraid, but when you look at risk assessments on local authority websites, you commonly find the risks of fire, flood and famine—the traditional risks that we often see manifesting themselves on our television screens—but I rarely see the risk of terrorism even considered. Martyn's law is about asking people to use common sense and apply it in a non-discretionary basis.

Chair: Thank you.

Q6 **Tim Loughton:** Ms Murray, can I say congratulations to you? It is difficult to bring forward legislation in this place, and to do it from the position that you have, as an ordinary member of the public, is quite remarkable.

We all agree that we need to do something more. The events at Manchester and the subsequent inquiry were quite alarming about some of the shortcomings, so we are very supportive of that. Our job is to ensure that this is proportionate and practical, and that we can turn it into a law that works. There have been too many examples in the past of laws that have been brought in too quickly without the implications having been considered. Do you think this is proportionate as it stands, or are there some things that you think could be changed without losing the real thrust of what you and, I think, we would agree needs to be achieved?

We had a session with Home Office officials earlier, and I raised the example of village halls, which are normally run on a voluntary basis by trustees. They have not been the subject of terrorist attacks in the past; they could be in the future, but they are a low level of risk. This legislation could have an impact on the viability of some of those sorts of venues, which by and large are not commercial. Do you think more exceptions could be made without undermining what you are trying to achieve?

Figen Murray: Talking about village halls and stuff, personally I feel that, given the way terrorism has changed, the general public needs to have a more raised awareness about it. The training is available free of charge. Any adult in the UK can download the app or go on the website. Volunteers at big village fêtes can do the training as a minimum thing that will benefit them, not just in looking after the event but on a personal



HOUSE OF COMMONS

level—it will keep themselves and their families safe. Having better awareness can't be a bad thing.

On proportionality, Martyn's law, as Nick said, is not meant to be punitive. It is not meant to make people bankrupt or anything. It is not about that. It is often about common-sense measures. Do the free-of-charge training, and maybe let staff know. If something does happen, do you know where to evacuate or invacuate? Do you know where you keep yourself and your customers safe? I do not think it is unreasonable to ask people to do those minimum things.

Q7 Tim Loughton: And I think we all agree that, whatever happens to this legislation, the raising of awareness is really important, and you have been part of taking us through that.

Mr Aldworth, you made a comment just now about wanting to be able to look Figen in the eye, if the legislation goes through in this form, and say, "We did this." What would have to change for you not to be able to look Figen in the eye and say that?

Nick Aldworth: I think, Sir, that this idea of scale and proportionality lies at the heart of what we have sought to achieve. I will answer that question by following through on your question to Figen, using the example of fêtes. Those places are already bound by the health and safety Act, and are already required to undertake very similar measures to those that we are asking them to undertake under Martyn's law, to the extent that I think those two things will sometimes become almost merged as one.

I would struggle to look Figen in the eye if this law didn't go through. That would be the first thing, very obviously. It is just so fundamentally important to mobilising society. I also think that if we did not get the application and the scale of this right, that would be incredibly difficult. We have these discussions with the Home Office. I have to give credit and pay tribute to the Home Office for how collaborative they have been on this journey with us.

Larger organisations and larger venues, to some extent, are doing a lot of this. I am not saying that they all are. As you quite rightly highlight, Sir, we saw the failures in the case of Manchester arena. They are not doing it well enough in some cases, but to some extent, they have the skill, the knowledge and quite often the money to do these things properly.

My experience, as was articulated earlier, was that most of these attacks are not taking place in big venues. The victims of terrorism whom I have met were all caught up in little shops or little restaurants, in places like Borough market. The first victim of terrorism I ever met was a young woman who had been dining in Borough market on 3 June 2017. She came to me and said, "My experience would have been so much better if that place had had a plan. As it was, I was trapped in this restaurant, panicked. There were glass windows, so I could see everything going on." She could see people outside being stabbed to death. She said, "I had no



HOUSE OF COMMONS

idea whether that person was going to come through the door and kill me.”

I’m going the long way to answering the question; I do apologise, Sir. If we don’t get capacity right and exclude too many of the places where these attacks take place, then I think that I will have failed to get the message across.

Q8 Tim Loughton: I understand that. As you will appreciate, proportionality will be key to this. To take the example of the non-boundaried events, I can understand why it becomes hugely problematic if they are to be included in the legislation. We are looking at open markets. They have been the subject of terrorist attacks, particularly in Germany—the Christmas markets. It is entirely credible that they should be in scope here, and they are commercial ventures. There is a responsible body that organises them, and presumably had to organise all the road closures and everything else to go with them, so I can see why they could be covered without too much additional work.

However, if I make a speech on an open piece of ground in my constituency and over 100 people turn up—we’re lucky if 10 do—or when I go on May Day to watch the local morris dancers do their rather odd stuff, and quite a lot of people turn up, there is no commercial element to that, and there is no control over how many people turn up. Nobody is making any money out of that. If those events were covered, then the responsible person—be it me or the chief bladder-hitter, or whatever you call the head of the morris dancers, might not do that any more, because the liability becomes too big for something that you cannot control at all. Yet, on the face of it, the terrorist threat—well, I am not sure if there have been many terrorist attacks against morris dancers, to be slightly flippant.

Nick Aldworth: I respect that, but I think it might make you think about whether having them dancing in the middle of the road is preferable to having them dancing on the playing field just behind the pub. For me, that’s the issue here. When we do a comparison with the health and safety Act, the standard to which that law is applied is as low as is “reasonably practicable”. If it is not practicable to do something, then the law is on your side; you don’t have to do it.

I will give a perhaps more slightly erudite example. I live near Oxford. It has the largest street fair in Europe, I think, every year—St Giles’ fair. There are no physical security measures put in on that street that cost any significant amount of money, because what do they do? They park lorries across the street, and that stops cars from driving into that fair. Of course there is a residual advantage here, because people do get injured at public events and outside pubs—drunk people drive into them. I think there is some real residual benefit from this law.

I revert back to the issue of what proportionality looks like. This is why the regulator is really important. In your example, Sir, what we wouldn’t want is the regulator coming up and saying, “Mr Loughton, you had far too



HOUSE OF COMMONS

many people there, and you didn't put any protective security measures in." They would come along and say, "You are a not-for-profit, and you don't have any budget for this. It's an important constitutional matter that you speak to these people. What you did was move everybody a little bit further away from the road, so well done—that's a proportionate act for you to undertake." That is how this should work. It is about raising awareness and taking really simple measures that will reduce the overall exposure. One thing Figen will say—she will say it for herself; I will just prompt her—is: this isn't going to stop every attack.

Figen Murray: No, absolutely not. Martyn's law is definitely something you need to be realistic about; it is not going to stop all terrorist attacks, but we have to try to minimise the opportunities these people get, and send the strong message, through use of the law: "Don't bother even trying here." It's a deterrent as well; it acts as a deterrent when people see measures put in place—they will not even go there. It's about reducing opportunities for these bad people.

Chair: Thank you. Paula Barker.

Q9 **Paula Barker:** First of all, Mrs Murray, I am very sorry for your loss. Thank you for being here today. It is really important that we hear at first hand how this has impacted you and your family.

Mr Aldworth, I turn to you, because you talked about how a paper from a register of security engineers could mitigate costs to businesses. That makes perfect sense to me, because obviously, if you're starting a business and you have got this specialist in, you can do all the things beforehand. What would existing businesses, which have perhaps been there for decades, do? How would it work—

Nick Aldworth: Apologies if I wasn't clear. The paper I am referring to is one I believe you had from Mr David Cormie. The Register of Security Engineers and Specialists, I should be clear, is a joint venture, co-chaired by Mr Cormie—who I think works for Arup, a private engineering company—and what was the Centre for the Protection of National Infrastructure and has now changed its name to the National Protective Security Authority, so it carries with it the credibility of the security services and Government. That paper proposes that when planning applications are made for new builds or variations, conditions be applied around the physical protection of those premises. What I am not suggesting is that that applies to existing builds. Existing builds would be required to operate within whatever Martyn's law turns out to say, which is, "If you occupy a retail space that has more than 100 people inside it, you are expected to have some awareness, to understand what the threats are, and to have a plan."

On servicing the costs for the standard tier, they are opportunity costs; they are not necessarily tangible costs. I know that for people who run businesses, that does have an effect on the bottom line, but—

Q10 **Paula Barker:** Please don't think that I am trying to put cost before lives.



Nick Aldworth: No, no. These are complex things.

Q11 **Paula Barker:** I just want to understand clearly what you are saying. If I had an existing business and I had been there for 20 years, say, but I took my responsibilities extremely seriously, could I engage with the register of security engineers for advice and guidance, perhaps?

Nick Aldworth: Yes, you could. That's what it exists for. They specialise in construction. A lot of them are what we call blast engineers, who understand the impact of bombs on buildings, but there is a proposal to set up another register, of counter-terrorism practitioners. That proposal sits inside policing at the moment. Without digressing from the purpose of today's hearing, I'm not sure that is necessarily the best place for it to sit, and personally I'd be looking at one register, not lots of different registers, but it's really important that people know that the advice they are getting is good, qualified advice.

Paula Barker: Yes, that is really important. Thank you.

Q12 **Marco Longhi:** Again, my personal condolences to you on your loss, Mrs Murray. Also, I would just like to elaborate on the fact that the role of this Committee is to scrutinise. The process might give you the impression that we are not supportive, but that is not the case. This is about ensuring that a piece of legislation can be effective, as opposed to having unintended consequences; nobody has a crystal ball and can see those unintended consequences.

I have just been trying to picture the situation for, say, a small business. We talk about SMEs being the engine of the country and its economy. Let's say I own a small Italian restaurant with seating for fewer than 100, in a pedestrianised area of a town. I have a licence that allows me to have a few tables outside in the summer, for that cosmopolitan aspect. We are trying to keep our high streets going, as difficult as that is these days. I am picking up on your point, Mr Aldworth, about the woman who said, "If there had been a plan, I'd have felt better." The very nature of terrorism is that it can be so varied, so it is almost impossible to visualise how you could cater for every possible thing that could happen. I am just wondering, in a practical way, how something like this could make a positive contribution to the safety of people if someone determined to create mayhem either sets off a bomb outside, or comes inside, pretends to be a customer and starts stabbing people or sets off a bomb there. What are the strengths and weaknesses of this proposal for that type of scenario?

Nick Aldworth: First of all, if your restaurant had a capacity of fewer than 100, we would not be seeking for it to be covered by the law, but I know that the Home Office would love people to engage with it in a—

Marco Longhi: We know how these things go, don't we?

Nick Aldworth: Government advice to individuals in the event of a terrorist attack is run, hide and tell. A plan is as simple as: guide, shelter, communicate. If you have 100 people in your restaurant, each trying to



HOUSE OF COMMONS

“run, hide, tell”, I promise you, having seen that happen for real, that the consequences will be worse than having somebody stand in the middle and say, “Stop! That is the way out—go that way,” or “I’m locking the doors. Get down behind the counter,” or, “Don’t worry, I’m on the phone to the police now.” That is the simplicity of a plan, but my experience, and the experience of the victims I have spoken to, is that that does not happen.

- Q13 **Chair:** What you have just said is very helpful, so thank you for that. Can I ask one final thing? When this Bill has been through Parliament, a lot of people will want to offer advice, guidance and help, particularly to companies. Could you say something—I am not sure if you have referred to this—on accreditation for people who will offer advice on how the legislation should be implemented? Did you say that that needs to be thought through more carefully?

Figen Murray: Yes. Unfortunately, a few people have already set themselves up as consultants or experts, and are going round companies and organisations saying, “I can help you make your premises or business Martyn’s-law safe,” but at the moment, that cannot happen, because we do not know exactly what is entailed in Martyn’s law, so it is not okay to do that. I am hoping that once the legislation is through and everything is clearer and clearly set out, there is that process of proper training and the proper skillset to offer that kind of thing more legitimately.

- Q14 **Chair:** Thank you for that. I thank both of you for coming along today. It has been really helpful to hear directly from you about this Bill. Again, many congratulations on getting this far, because, as Mr Loughton says, it is very difficult to get legislation through, and to get to this point is very positive. It is also heartening to hear that the engagement with the Home Office has been so good. That is very pleasing to hear, because often that is not the case, though in this instance it has happened. Obviously, we want to keep in touch with you. We will scrutinise the Bill over the next couple of weeks and write a report, which will go the Home Office for it to consider. I am sure we will want to take up a number of the points you have raised today with the Home Office. Thank you.

Nick Aldworth: Thank you.

Figen Murray: Thank you.

Examination of witnesses

Witnesses: Neil Sharpley, Cllr Clive Woodbridge and Jane Gratton.

- Q15 **Chair:** Thank you very much for coming to speak to us this morning. This is the second panel, and I ask everybody to introduce themselves. Perhaps we could start in the room.

Cllr Woodbridge: I am Councillor Clive Woodbridge, deputy chairman of the Local Government Association’s Safer and Stronger Communities Board. I am also a local councillor in Epsom and Ewell in Surrey.



HOUSE OF COMMONS

Neil Sharpley: Good morning. I am Neil Sharpley, a member of the Federation of Small Businesses, and chair for policy, covering the Home Office and Ministry of Justice. I am also involved in community organisations that promote events, including theatre, music and things of that sort. I have been involved in the music business for a number of years.

Jane Gratton: Hello. I am Jane Gratton, head of people policy at the British Chambers of Commerce.

Q16 **Chair:** I will start. Would you very briefly give your views on the draft Bill, and its consequences for the organisations you represent? Councillor, would you like to start?

Cllr Woodbridge: Thank you very much for inviting me and giving me the chance to put the Local Government Association's view on this. We have just heard how important this legislation is, and some personal insights into the tragic events that sparked the legislation.

In principle, the LGA broadly supports the Government's approach to considering how we might prevent attacks and protect our citizens. It also supports the principle of proportionality, which is embedded in the legislation. It is clear that the legislation will have a number of significant implications for councils, and they will be affected in different ways.

Councils are responsible for a number of premises in their areas that are likely to fall within the scope of the duty. They range from community centres, town halls, schools, libraries, museums and sports facilities to village halls. We have also heard about open spaces; local government is obviously responsible for a significant number of green and open spaces. Although they will not all fall within the scope of the duty, a significant number will, so there will be direct implications for local government from that. As a result, implementation will require substantial resources—not just money, but investment in people with the necessary skills and capabilities.

We are also leaders of place, so there would be an implication for us working with partners. We have just been through the Derby at Epsom, and the security arrangements involve Epsom and Ewell, and also Surrey police, the Jockey Club, local pubs and so on. It is very much a joint venture and initiative. Implementing Martyn's law will involve councils working with others, even where they do not directly own the facilities.

There is some uncertainty in the Bill about where the regulatory function and the enforcement functions rest. Were they to rest wholly or in part with local authorities, obviously there would be significant implications, which again would involve resourcing and capacity work.

In summary, we broadly welcome this. It is a Bill where the devil is in the detail, and perhaps there is a need for more detail and more clarity over a number of issues before the Local Government Association can fully firm up its views on the legislation.



HOUSE OF COMMONS

Q17 **Chair:** Has the LGA had much dialogue with the Home Office over this Bill?

Cllr Woodbridge: I think there has been some dialogue, but we would welcome more and deeper dialogue. I think there has been some contact, certainly between the relevant officers and the Home Office, but over the coming weeks and months we would welcome the opportunity to speak in more detail with them and at a higher level.

Chair: Thank you for that.

Neil Sharpley: I will make one or two general remarks and perhaps reserve other areas for later questioning. Broadly speaking, the FSB is very supportive of the Bill. We published a paper in 2017 called "Small business as usual", which highlighted the need for businesses to be aware of the threat of terrorism, and that awareness, I think, is the key.

It is difficult to imagine how physical measures alone can ever prevent any atrocity in the future, but what is key—and this is the same with cyber-crime and cyber-fraud—is the human element, awareness of the human element and the training of the human element involved. That is, I think, where the focus of the legislation should be, rather than on requiring businesses to spend large amounts of money implementing physical barriers, which may or may not be effective.

I think we are all agreed that the main aim of the Bill is to find measures that are effective and that work in order to prevent any future incidents of the sort that we are talking about. That doesn't necessarily mean that we have to take extensive measures; what it means is that we have to raise awareness and make sure that businesses are able to provide the support, the training and the adaptations that they need to make.

We do, within the detail, have a number of concerns. I would like to briefly echo what two of the previous speakers have said. One of our concerns is that there are many open areas in the centre of towns where individual businesses are too small to fall within the scope of the Bill, but the aggregation of a number of small businesses in an area, especially where there is café culture, will bring numbers of people on to a high street or into an open area where there is little control. One of the concerns is that the control lies with the local authorities and that there needs to be some sort of consideration of what risks exist in those circumstances, which at present fall outside the Bill.

Having said that, we are concerned about the administrative impact of the burden that will be imposed on smaller businesses, and we are concerned about the costs. The Government review committee tried to estimate some of the costs. It is very difficult to obtain information in relation to costs where you are talking about unknown criteria and where, as has already been observed, the nature of the small business community and the medium-sized business community is so varied in terms of numbers of employees, types of premises and the way in which they operate that it is extraordinarily difficult to draw any clear conclusions about cost.



HOUSE OF COMMONS

By way of example, one of our members happens to be the firm that provided the security for CYBERUK at their recent Belfast conference. The cost to provide the physical security required for a two-day conference was £20,000. The estimated cost to provide those premises with permanent security of the sort that they provided temporarily was £150,000, and not surprisingly the venue did not want to go that far.

The estimated costs in relation to the standard duty are, I think, only £1,000 or thereabouts, according to the review committee. In terms of the overall burden on businesses, I think that those costs of administration and other implementation would be significantly higher than that, but I think that further research is needed in order to establish that.

I would like to say some more about those things in a moment, if I may, but I will leave that there. We are broadly supportive, but as my friend has just said, the devil will be in the detail and there are some amendments that could improve the Bill and make it more flexible and more responsive to the real needs on the ground.

Q18 **Chair:** That is very helpful, and we will have some more questions.

Jane Gratton: The British Chambers of Commerce has been working on counter-terrorism with the Met and other authorities over the last few years to try to raise awareness among businesses, including small and medium-sized firms, of the evolving threat of terrorism. We have supported the creation of some of the online resources that are now available, and the training packages.

We are very much aware of this agenda, and we very much support the aims of the Bill. We feel that businesses should have an awareness, know what to do if they are concerned about anything and have an action plan that they can follow if something were to happen—so at a very basic level. We think that would be enormously helpful.

But small firms, as you have heard, tend not to have these specialist in-house resources. They are time-poor and resource-poor, and they will need a lot of support to ensure that they do what is proportionate and that they do not have to spend anything that is not necessary to mitigate the risk. It is understanding the level of risk and taking proportionate measures—that is what is critical in all this.

Q19 **Tim Loughton:** I think we all agree that raising awareness is essential, and the shortcomings of the Manchester Arena attack show that something certainly needs to be done, hence the necessity for the Bill. My concern is one of proportionality. In the earlier sessions, we began to explore the commercial premises where it should be and can easily be a standard part of their preparations. I am more concerned about the village hall example, which I have drawn.

Perhaps, Councillor Woodbridge, you could comment on this first. Do you think there should be more exemptions to venues that are, by and large, community venues run on a voluntary charity basis, not for explicit commercial gain, which could be subject to proportionately quite high



HOUSE OF COMMONS

additional requirements and liabilities on volunteers and maybe trustees of village halls or whatever? Could they be separated out without undermining the thrust of what the Bill is trying to achieve?

Cllr Woodbridge: There is no doubt that we are concerned about the impact of the legislation on the community and on voluntary and faith sectors, which run facilities and organise events in our community that are hugely valued and valuable. We are concerned that the legislation should not be too burdensome to prevent those things from being enjoyed.

Coming out of covid, I am sure that as MPs you have a lot of contact with charities and voluntary groups in your own constituencies and know how difficult they found it coming out of covid to get volunteers and to move forward. We would not want to see overly burdensome prescriptions on them that stop those activities from happening or that perhaps deter volunteers from giving up their time.

One of the issues that we would like to raise is about capacity. First of all, how are you determining capacity? If you have your village hall, if you set the seats out in a certain way, you might be able to get 200 people in there, but the reality is perhaps it never hosts more than 50, so should it come within the scope of the legislation or not? That is an interesting question to mull over. Also, is capacity a rather blunt instrument in terms of determining what is at risk and what is not at risk? You could have a very small facility, perhaps a venue that hosts particular groups that might attract controversy, and that might be more at risk than a larger one. We do have some concerns about capacity as a measure for falling within the scope and how that is determined. We have definite concerns about the impact on the community, on voluntary and faith sectors, and on trustees of buildings like village halls.

Q20 **Tim Loughton:** I can think of two specific examples from things that I am involved in: the women's institute Friday morning market in the local community centre in my constituency and the local horticultural society show, for which I declare an interest as a member and an exhibitor.

There will probably be over 100 members of the public who come to look at my very large squashes—or whatever it might be. You cannot predict how many people are going to come. The show is run as a charity on an absolute shoestring. If there came a requirement for a responsible person to be liable for a potential terrorist attack, those groups might have to consider whether they continued operating or not. Do you think that is a realistic fear?

Cllr Woodbridge: I think it is a realistic concern: if the legislation was overly burdensome, that could mean that the people who organise such things were faced with the costs and the time pressures required to comply, and that might actually deter them.

I suppose this is about getting the balance. As the earlier speakers said, we all need to be aware of the threat of terrorism. Even the horticultural society should have, somewhere in its planning, a risk assessment and should allocate some time to thinking about the "what ifs". But clearly,



HOUSE OF COMMONS

there is a point at which it would become too burdensome for an organisation like that to comply. It is about setting the right proportionality.

Q21 **Tim Loughton:** But that could operate under best practice, rather than be subject to a regulatory burden under legislation, for example.

Cllr Woodbridge: We share your concerns that legislation should not be burdensome. It would be a win for terrorism if a lot of those events that are at the centre of our lives, and are part of our communities and have been for many years, were to be wound down because of this legislation.

Q22 **Tim Loughton:** Thank you. Mr Sharpley and Ms Gratton, do you think there would be a problem if commercial enterprises were to be within the scope of the Bill, but potentially some of the voluntary, village hall-type operations were not covered in the same way? Would that be a problem with your members, Mr Sharpley?

Neil Sharpley: No. Can I add something to that? I agree entirely with all the comments that have just been made on this topic. It was one of my concerns—I will come back to that in a moment. The Bill is the first large step on a journey; it is not the end of the journey. It is like cyber: it is not just for Christmas but for life. There will be more steps on this particular journey.

My own view is that the first step that we are taking at the lower level of the standard duty area is too great a step. I entirely agree that village halls, community halls and places of worship are all used for different functions within the community and are run by small community groups and charities. You will definitely find that some of the volunteers, who are already put off by some of the measures they have to consider, will be deterred if an additional burden is placed on them in relation to terrorism.

I think the solution is simple. The first step should not be to take the threshold down to 100. If you set the threshold at 200, you would exclude almost all of those small charitable and community events. Take the example of the chamber music society that I have been promoting concerts for; we expect to get audiences of between 60 and 90, but we sometimes stray a little over 100. We operate on the basis of hiring the local Salvation Army hall. We are using community premises, and those premises would probably want to pass, on a co-operation notice basis, those responsibilities on to us as having control of that particular event. Those are unwelcome things to the community.

The simple answer is that, yes, we might want to take that step later, but at this point, when we are introducing new legislation and it is uncertain what the impact will be on a number of businesses, the potential costs are greater than anticipated. It would not be prudent to set the bar too low; we can always readjust the bar later if we need to, as provided for in the Bill with the powers of the Secretary of State. But we need the experience, and we need the Bill to bed in, before we start to impose that on those lower levels. I entirely share the concerns that you have just expressed.



Q23 **Tim Loughton:** Thank you. Ms Gratton, do you agree?

Jane Gratton: Yes, I would agree. A voluntary approach to smaller-threshold venues would be appropriate. We should try to encourage organisations to think of this as part of their risk assessment and business continuity-type actions rather than something additional at this stage. We should encourage them to include the thinking in their normal risk assessment practices.

Q24 **Tim Loughton:** Earlier, we covered the non-inclusion of open-air markets—Christmas markets, for example. Do you think there is a case for a commercial open-air enterprise to be included? We know that those have been targets of high-profile terrorist attacks, particularly in Germany. I gave the slightly flippant examples of Morris dancers, a musical band for pleasure or an open-air service. Do you think there should be some extension into non-boundaried but commercial events?

Jane Gratton: Again, it is about being proportionate to the threat. If there is a belief that there is a threat there, some action should be taken. Someone responsible for that market should have a plan. That is my view. When the public are being invited into a space, there should be someone who understands the threat and a plan should be in place.

Q25 **Tim Loughton:** Do you have any comments, Councillor Woodbridge or Mr Sharpley?

Neil Sharpley: If the market is within a defined area, it could easily be brought within the compass of the defined open-space provisions in the Bill; if it is not, the comments of the predecessor who was sat in this chair next to me apply. An open-boundaried area would not be within the scope of the Bill, so there would have to be significant amendment.

Q26 **Tim Loughton:** So you would not have a problem with its being extended to operations in a town square or on roads that had a clearly defined closure order?

Neil Sharpley: If it was a commercial operation of that scale, no.

Q27 **Tim Loughton:** Councillor?

Cllr Woodbridge: Clarity is the important thing. If it was clear that that was the requirement of the legislation, local government would welcome that clarity. It would obviously bring into scope a wider range of events.

At the moment, there is the provision of express permission; one wonders how that would work out if there was an unboundaried scenario. I do not think that the LGA would particularly object if unboundaried scenarios such as a market were brought into scope, as long as there was clarity and an understanding that it would increase the overall workload.

Having listened to the comments, I should say that there are events that move, as well. They are not within one geographical boundary but move from one authority to another—the London marathon or Notting Hill carnival may move from one geographical space to another. It would be a



HOUSE OF COMMONS

complicated and complex thing to legislate for and might put pressure on local government resources in terms of enforcing it.

Q28 Paula Barker: We had an information session with Home Office colleagues this morning. They described the core requirement of the Bill as being a preparedness plan and counter-terrorism documentation. You were both in the room when Mrs Murray gave evidence; she talked about this not being a punitive measure.

Mr Sharpley, I am really interested in what you said about the example of the business that provided security. You mentioned some quite eye-watering sums. Forgive me if I heard this wrong or am misinterpreting, but are the business owners you are involved with thinking that this Bill will involve them providing security? Because that is not my understanding.

Neil Sharpley: That will be unclear until the regulatory regime is set out. At the moment, as you probably know from the review figures, the standard duty will embrace something like 150,000 micro businesses, 37,000 small businesses and 28,000 medium-sized businesses.

Within those very large figures are some who will have to create different physical arrangements in their premises in order to meet the sorts of criteria that are going to be introduced, we assume, in the regulations. The difficulty is that without the regulations being specific, it is almost impossible to say. We cannot produce data because businesses are so varied and we do not know what criteria would apply to those businesses in order to work out the cost data.

All I can really say to you this morning is that yes, there is a real risk that there would be significant physical costs involved. It will vary from business to business, but because of the enormous numbers of micro, small and medium-sized businesses involved, a significant number will experience significant costs. You have probably seen the estimate in terms of the enhanced duties—about £80,000 over 10 years. I think that is conservative, based on the figures that I have from the Northern Ireland member who provided the security in Belfast.

I think that people will rise to the occasion in terms of training and adaptation costs, and we might see some inflation in those respects if they become prescribed. So I think there are some dangers. I entirely agree that the most important aspect is that we should train the human beings and increase the awareness so that we do not really have to worry about the physical aspect of it so much. But I think there is a real danger that costs will escalate.

The other side of it, of course, is that the administrative costs alone are significant. For instance, you have the administration costs involved in registration, which might involve fees if it has to be registration with a local authority. You have the risk assessments and evaluations and the actions consequent upon them. You have the staff training, the co-operation notices if you are letting the premises to someone else, any changes in the premises in the future, and possible insurance-related



HOUSE OF COMMONS

issues as well. Just the administration time involved in those things without any physical adaptations is quite significant. I think that has been underestimated in the standard figure of £1,000 or thereabouts that has been produced. I think it will be significantly more.

Q29 Marco Longhi: As a small business owner of some 25 years and a former councillor of some 20 years, I get where you are coming from. None the less, you have said that you broadly support the general thrust of the legislation. I completely agree with you that the devil is in the detail.

Looking at this perhaps from both our goals, let me just pose this question. What is the benefit of trying to sell this, and I use the word "sell" a little loosely, to the business community as something that would benefit the organisations—there are benefits in doing x, y and z and what we are trying to achieve through the Bill—rather than having what has historically been, from the Government's point of view, a mandated thing, the penalty of which, if you do not do that, means that the person who is ultimately liable, the responsible person, could incur very significant risk? They therefore feel that unless they take on board the measures in the legislation, with the relevant costs—very often, they will passport the responsibility for fire safety, for example, to a specialist fire safety or electrical safety organisation. These are all things that we know are the right things to do, but they are none the less not insignificant.

Picking up on the point of proportionality and the devil being in the detail, where do we draw the line? We have heard today about going from 100 to 200, but anybody could argue around any figures in that respect. It could be seen by some that you are almost making that a little too elastic, and therefore, what is the point anyway? What are your feelings around taking an approach where the risk assessment—perhaps one that a local authority might have a general view on for certain categories and organisations—is so low that this is sold to people and organisations as a benefit, but without the punitive consequences that would come if you do not do this, and perhaps looking at other organisations where the risk is assessed as being higher, where the degree of mandate is higher? Do you have a view on how we might think about moving forward with this?

Cllr Woodbridge: It is a difficult one. As I said before, capacity alone is rather a blunt instrument. Perhaps something more nuanced is needed. That is an area where the LGA would welcome discussion with the Home Office about how we can balance risk and reward by concentrating effort on those areas where there would be a higher risk, rather than those that purely have a higher capacity. There are clearly examples where venues with a higher capacity have a greater risk, but equally the converse can be true.

I think local authorities would embrace this. One of the key responsibilities of local government is to protect and safeguard citizens. With that in mind, you will not have any trouble selling the underlying benefit of the Act; it is just the detail of how it is going to be resourced, how the capacity is going to be provided, and addressing the fact that most local authorities will have no, or very little, experience in the counter-terrorism space. I am



HOUSE OF COMMONS

sure that that is the same with most small businesses. We are starting from a very low base, so consideration has to be given to how we build up that knowledge base.

It is important that we have guidance and training rolled out as quickly as possible. Councils are already fielding queries from local businesses about their responsibilities, and we look forward to being able to perhaps help them as the details become more clear. The LGA has networks that will be able to roll out advice, suggestions and guidance when the legislation becomes law. There needs to be a long lead time to get us from a state where a lot of the people who would be brought into scope have little or no knowledge to a state where they are fully aware of what their responsibilities will be, and therefore feel comfortable that there will be a benefit to their business and some advantages.

At the moment, the duties imposed by the legislation could be rolled out as early as 2025. That is not a very long time, so the Committee may want to consider the lead-in time, a dedicated communication campaign to raise awareness of the duty, and what that awareness campaign might look like.

Neil Sharpley: In relation to community involvement, we did research in the FSB a few years ago, and the level of community involvement by our members is extremely high. As I am sure you know, you have to bear in mind that most smaller businesses are embedded in their community. They are working and living in their community, as opposed to the larger stores, whose managers and directors are remote and who do not have the same investment in their local community. Anything that improves the security and reduces the risk for that local community will be something that I think small businesses will embrace. As you probably know, they are already heavily engaged in Shopwatch, Neighbourhood Watch and things like that, which reduce risk. They are already concerned with antisocial behaviour campaigns and other business crime initiatives. I do not see any difficulty at all with persuading them of the advantages of getting involved in this.

As far as the regulation aspect is concerned, I do not regard this as a stick provision. This is a positive piece of legislation where carrots are far more advantageous and where we are conducting an information campaign. It is imperative that this legislation is accompanied by clear, concise and simple guidance that is understandable by smaller businesses. It is absolutely clear as well that the best advantages of the legislation will be secured by collaborative working with the regulator. It is also essential that the Bill provides the flexibility—which it doesn't in some respects—to determine, for instance, that premises that might come within the capacity criteria but have negligible or very low risk can be removed from the scope of the Bill if that proves necessary, so that we get a fair, reasonable and proportional approach to the whole problem.

I do not regard what you are suggesting as being an issue in any way at all. I think that businesses will embrace the ability to protect their own



communities, and the small businesses, as I say, are firmly embedded within them.

Jane Gratton: Previous speakers have made a lot of the points that I would have made. In terms of selling this to business, it is part of customer confidence—greater customer confidence in the service that you are offering—staff engagement and business continuity. Businesses do not want to be interrupted—they cannot afford for their operations to be interrupted in any way—by taking these measures and being part of the community approach to this, where many eyes are better than a single set of eyes in deterring and responding to any threat. I think businesses would very much respond to that.

Q30 **Chair:** Neil, the Regulatory Policy Committee argued that more evidence was needed on what the terror threat to micro, small and medium-sized businesses actually was. Are you aware of what the current terrorism threat is to small businesses, and do you agree with what the Regulatory Policy Committee said?

Neil Sharpley: I agree that more research is needed to identify the threat to smaller businesses, because I do not think that it is as great as the threat to open spaces, public spaces and larger venues. I think research needs to be undertaken.

I would say that the way in which this legislation should, in our view, be implemented is in stages. First of all, there should be the enhanced duty implementation, so that any teething problems that exist in relation to those duties can be ironed out before the standard duty, which affects many smaller businesses, comes into play. There needs to be research and a review, after a satisfactory period of time, of how the measures have bedded in and whether or not they are all as effective as anticipated. We all want to see the most effective measures perpetuated, and those that do not solve the problems that we all share removed from the legislative and regulatory environment.

If it is done in a studied way like that—in a measured way, in a way that causes the least damage to the smaller businesses because of the bedding in and implementation at the higher level—I think that with the appropriate guidance and the support of a regulator who uses carrots rather than sticks, we will get to the goal that we want to achieve.

Q31 **Chair:** That is very helpful. Can I ask about local authority funding and resourcing, because that has been mentioned a number of times? Is there any indication—understanding, at the moment, that the regulations do not exist, so we are not really quite clear on what the role for local authorities will be—of how much money this will cost local authorities?

Cllr Woodbridge: It is very hard to put a cost on it. If nothing else, we do not know how many of our own properties and sites will be brought within scope. It is something that I can certainly ask colleagues at the LGA to perhaps do a bit more detailed work on and get back to you on, but I believe that there is a new burdens funding process under way. Certainly, that would have to consider the financial impact on local government.



HOUSE OF COMMONS

One issue that perhaps has to be looked at is where local government owns sites but lease them out on a short-term or long-term basis to others. It is not clear yet who would take responsibility. The financial burden on local government would be quite significant, and it certainly would need to be covered by new burdens funding. That needs to happen as soon as possible.

Q32 **Chair:** We have gone around the course quite effectively, I think, but is there anything else we have not discussed that you want us to be aware of in terms of the Bill? Neil, I know you said that you had a number of issues. Have we gone through all the points you wanted to make?

Neil Sharpley: I think in the course of the questions that have been asked, all the points that I wanted to put across have come across, although perhaps not in the same order that I anticipated. I think they have all been communicated.

Q33 **Chair:** Great. Jane, is there anything else you want to add?

Jane Gratton: I would just reiterate the need for very clear guidance. Businesses have lots of questions about this, particularly where numerous businesses are operating in the same space. There are lots of questions about who is responsible, who takes the lead and what is the role of an individual in all of this, so we are going to need a lot of information and guidance and a very good communication campaign.

Chair: Okay. I thank all three of you. This has been very helpful and will certainly be reflected in our report to the Home Office. Thank you very much.

Examination of witnesses

Witnesses: Mark Gardner and Mike Kill.

Q34 **Chair:** Good morning and welcome to our third panel. Would you like to introduce yourselves?

Mike Kill: My name is Michael Kill, and I am the chief executive of the Night Time Industries Association. We represent just under 10,000 businesses that operate between 6 pm and 6 am. That representation comes from things like the casino sector, events, festivals, clubs, bars, restaurants, etc.

Chair: Thank you. I think we have had you as a witness before when we carried out our inquiry into spiking.

Mike Kill: Yes, you did.

Chair: It is nice to see you again.

Mark Gardner: My name is Mark Gardner. I am the chief executive at the Community Security Trust, which provides security for Jewish communities across the UK.

Q35 **Chair:** Let us start with your reflections on the Bill and any general



HOUSE OF COMMONS

comments you want to make at this stage. Mark, do you want to start? We are obviously very interested in your perspective, providing security in synagogues and other places.

Mark Gardner: I think the Bill overall is a good thing. It is correctly motivated for the worst of reasons, if I may put it like that. I think society needs to better understand that we're all at risk of terrorism. In today's statutory environment, it strikes me as correct that there will be an obligation to plan around risk, and to attempt to mitigate against risk. I am broadly in favour of it.

Community security, for me, should be at the heart of this, though. This is the ethos of the Community Security Trust, the organisation that I represent and the work that we have also tried to do with other faith communities and other people of protected characteristics through a sub-programme called SAFE, which stands for "security advice for everyone". The basic principle for this is that if I am a volunteer attending a synagogue, mosque, Hindu temple or church week in, week out, or if I work at that building because I am the rabbi or the imam, then actually I know better than a commercial security guard, and I even know better than a police officer, who does and does not look out of place in and around those premises.

I also better understand the premises themselves and the immediate environment, so I should be better placed to identify somebody who may be carrying out hostile reconnaissance. I should be better placed to know where you might evacuate, where you might hide, where you might evacuate, how you might shut the door, how you might barricade the door, who you might report to if you see suspicious activity outside the premises. That is really what community security, which depends on community awareness and community intelligence, is all about: providing a mechanism whereby people can understand what I would consider to be the basics of being aware but not alarmed, and of being alert and supported but not punished.

Last year, for example, we had 235 reports from across the country of what people deemed to be suspicious activities in and around Jewish communities. In the detail of those, 140 were cases of people taking photos or video footage of synagogues, Jewish schools and so on when they did not seem to have any good cause to do so, and 57 attempts to enter a Jewish premises, again when people did not really seem to have good cause to do so. Obviously, we forward that information to the relevant local and specialist police forces.

That is the first layer of security—just being aware of what is going on around you, what might constitute planning and hostile reconnaissance in advance of, God forbid, a terrorist attack, and knowing what to do about it. If, God forbid, something did occur, as I say, how do we shut the front door? Where do we run to, either in or out? Who do we tell? These are the basics, and I think it is not unreasonable for places of worship to at least have a written plan stating where those things are, and for the people who



HOUSE OF COMMONS

use the premises most regularly to be aware of it and to know how they might respond if, God forbid, the worst happens.

Q36 **Chair:** Given the way the Bill is drafted, do you think that it is proportionate? Do you think it deals with the points that you have just made?

Mark Gardner: Unfortunately, any legislation is going to have to set arbitrary levels. I understand why it says 100 and 800, but the threat does not depend on the size of the premises. The threat depends partly on the nature of the premises, but also on who is entering the premises. Take for example the tragic murder of Jo Cox MP: the attack occurred outside a library, but the threat to the library every day of the week was not the same as the threat on the day that Jo Cox was going to hold a constituency meeting there, and the attacker carried out a lot of hostile reconnaissance prior to the attack, as did the attacker in Manchester. The murder of David Amess occurred in a Methodist hall, but it was not an attack against the Methodist hall; it was an attack against him.

The threat is fluid, depending on what the premises are being used for, but it is very difficult to expect members of the public, even if they have some responsibility at a place of worship, to understand when the threat to their premises may alter to such an extent that a terrorist plan needs to be put in place. It is probably better that every place should be made aware of the threat of terrorism and should be made aware of the need to plan for if, God forbid, anything should occur. You are going to have to pick a number out of the air, and 100 and 800 do not seem too unreasonable.

Chair: Thank you. That is very helpful. Mike?

Mike Kill: As you can appreciate, our industry is very broad, encompassing large-scale festivals to 100-capacity pubs. That gives us a very broad range of consideration around the proportionality principle. We are also aware that we are quite heavily regulated through the Licensing Act 2003, the Health and Safety at Work etc. Act, the Private Security Industry Act and so on. We do foresee some impacts or concerns that it is important to raise, and I completely agree with my colleague here with regard to the arbitrary nature of 100 and 800 capacity. Every public space that is exposed could be a potential target.

There are a few things, as you can appreciate with our industry, that are important to highlight and which will dictate the impacts on this Bill, particularly the regulatory position. As I stated, we are already heavily regulated. The Licensing Act 2003 framework sits among licensing objectives for premises and event licences, and looks at and includes public safety and the prevention of crime and disorder within those considerations. It is very important that this duty aligns itself, and integrates somewhat, with existing legislation, regulation and guidance, as well as the way that many of our businesses operate and the people that we represent.



HOUSE OF COMMONS

Where we foresee impacts, outside of some of the pieces that my colleague has brought up, is under a multitude of headings. We foresee some big issues with regard to the language that is used in the Bill, particularly as we suffer quite heavily under the licensing regime, where there is ambiguity in some of the wording and language used. That has a risk of discrepancy in terms of implementation, and also has a contested position between operator and regulator.

Q37 Chair: Could you give an example, so that we can understand that? What would that mean?

Mike Kill: In this Bill, when you look at “reasonably practicable”, what does reasonable mean? Or what does “vicinity” mean? As you can appreciate, if you talk about vicinity, is that one mile up the road? Is that within a local area? We need to have some specifics that present a clear understanding of where the responsibilities lie.

There are two examples that would present challenges in this Bill to moving forward. It needs clear understanding of the protection of public and private space, and where the responsibility sits between the state and the policing mechanism and the ownership of a space, whether there is an integrated, proportionate partnership between the two, which already exists in many respects.

Bringing that forward, there are things like scope, where there are considerations for specific operational areas under specific business categories. For instance, if you have an event or a festival, they have a build pre the public access; how does that sit in terms of this protection and duty? There is the perimeter in terms of a definition. There are open access events, such as marathons and the Notting Hill carnival, and where they sit. Particularly, there are things like non-ticketed new year’s eve events, and things like travel hubs, which have been mentioned.

Primacy is another piece, where you talk about complex management of events and situations, where there is an integration between public space and private space. How is that managed moving forward? Also, how the regulatory bodies work with each other, is really important. Responsibility, as we have said, and vicinity are key elements here. There is a disparity between the way the police and local authorities within licensing decide where the vicinity or your responsibility lies in terms of outside your premises or half a mile up the road, or where your customers go. We see that within grey space, such as Wembley Way, the O2 walk-up, and similarly the Manchester Arena example.

I reiterate the point about the clarity that needs to be presented in terms of private and public space management, and where the state responsibility sits, and where that integration comes in.

Chair: Can I just stop you there? I want to check with Marco. Do you have any questions, because I know you have to leave shortly?

Marco Longhi: I would rather listen. I know there will be future opportunities.



HOUSE OF COMMONS

Chair: Okay. Sorry to interrupt. Carry on, Mr Kill.

Mike Kill: I also have a point about the regulator. Consistent support from the regulator and how the regulatory bodies interact with other will be vital, because of the amount of regulatory controls that we sit within.

On reasonability, we talk about premises and events, but what is a reasonable step, a reasonable measure? How is that measured by the regulator? Are they going to be an arbiter to that position? We already know that the intelligence levels within the state and policing are much greater than in the private sector. How will that integrate in terms of that responsibility?

Those are some of the examples that we are talking about. Just to reiterate on language consistency: scope, perimeter, primacy, responsibility, regulator, control and consistency. Depending on who regulates us will depend on the approach to this duty, and then we will have a greater understanding. There is a broad challenge around not having the required detail really to dig down into how this will impact our sector as a whole.

Q38 **Chair:** Have you had any dialogue with the Home Office on the drafting of the Bill? Have you been able to raise your concerns about the other legislation that governs what you do?

Mike Kill: We have highlighted this, alongside many other industry associations. We are still waiting to receive more information. We are integrated with the likes of NaCTSO and the Home Office to a point, but we still have not had great clarity. It has taken some time even to get to where we are today.

Q39 **Tim Loughton:** Apologies that I missed the opening minutes, including your comments, Mr Gardner. Will you both comment on something that came out earlier—on the differentiation between the commercial sector and commercial venues, which already have to go through all sorts of regulatory hoops, and the voluntary sector or what I call village hall scenarios, which are mostly run by volunteers for a range of fairly low key but important events? Should there be more exemptions for those village hall activities—without undermining what is needed in the Bill, as was shown by the shortcomings of the Manchester Arena tragedy—to ensure that the legislation is more focused on areas where there are greater risks. Would that be a problem, Mr Gardner?

Mark Gardner: No, that is not a problem. I am the chief executive of a charity that employs nearly 100 people and has 2,000 active volunteers who carry out counter-terrorism and security duties at synagogues and Jewish events across the UK. We are a registered charity and there is no shortage of governance and legal demands, and so on. I presume that most premises to which you refer are charities of one sort or another, and they probably already have quite an onerous burden in terms of the performance of staff and volunteers and the oversight duties of trustees. I do not honestly feel that this need be a huge burden in addition to the burden they already carry legislatively.



HOUSE OF COMMONS

It is a bit like health and safety. When you look at health and safety, it can appear overwhelming. You could take the attitude of, "Yeah, I know I'm supposed to do that, but who's going to bother?" But if you do carry it out, you end up with a better, safer place of work for staff and volunteers alike. This ought to fit into that, but it depends on the attitude of the regulator and the way in which the legislation is enacted.

I think the provision should be there to encourage and enable local venues—church halls, village halls and so on—to have a much closer relationship with the relevant local police and local council, the protect duty and all the apparatus that is already in place for counter-terrorism. It should be used as an opportunity to make those links that much better, but it should not just become an excuse for insurance companies to charge ridiculous premiums, or for somebody to try to pass on their legal responsibility to the volunteer who was unlucky enough to be on the church door that day and let the terrorist in.

- Q40 **Tim Loughton:** How will this work in practice? I agree that there are lots of duties already, but a health and safety duty on a group meeting in a village hall, for example, might involve fairly common-sense stuff—that is, there are no hazards except hygiene issues if you are serving food. On the terrorism side, do you envisage that groups would have to make changes to the structure of a building—to provide a safe room, for example? In order for the horticultural show to be able to meet there, is it really necessary that there is a safe room in the event of a terrorist attack? The Home Office has not been able to give us any examples of terrorist attacks on village halls in the last 10 years.

Mark Gardner: It depends who is visiting the horticultural show. Are you visiting it? Do you have a high threat profile?

- Q41 **Tim Loughton:** I exhibit, yes, but anybody who might be visiting a horticultural show might have a higher risk profile, and that means that every horticultural show meeting would have to provide a safe room and every village hall with any activities that meant there was a chance of a local or higher profile figure coming along would have to bring in those additional requirements, which might not be commercially viable and might mean that they had to close down. Isn't that a proportionality fear?

Mark Gardner: I am here to talk about places of worship, first of all. Secondly, I don't think the Bill does say any of that. What the Bill does say is that, for places of worship, unless you charge an entry fee and have a capacity of over 800, basically you will be treated at the minimum level, as it were, as a place with a capacity for 100 people and therefore you will need to have a plan and somebody designated as being responsible for that plan. As I have already said, for me that plan should be: "This is how we invacuate. This is how we evacuate. This is how we contact the police. This is how we have some idea of who we do or don't want in the building. If we see somebody who looks suspicious, this is how we react." There is a world of difference between that and building safe rooms in case an MP with a high threat profile should decide to visit a horticultural society fair.



- Q42 **Tim Loughton:** So you draw a distinction by saying that it is reasonable and proportionate to have training about procedures, but that it would be problematic if it started to be about redesigning locations, whether it be the village hall or a church.

To come back to the example of places of worship, there are roughly 40,000 places of worship in the UK, of which 16,000 are Anglican churches. I cannot think of any attacks on them, but synagogues and mosques, of course, have, regrettably, been the subject of attacks. You cannot really have a policy that says that synagogues and mosques must by law have these but the village church is exempt, so effectively all 40,000 of those places of worship are going to be covered. Is it just about processes and procedures, or are you talking about redesigning church emergency exits and things like that, which would be problematic?

Mark Gardner: I am not talking about that being in law. In the early 2000s, two synagogues in Istanbul were attacked by al-Qaeda car bombs, and the vast majority of casualties were caused by flying glass. For a number of years after that, my own charity was Britain's biggest single purchaser of protective film for glass windows. Why was that? It was because we went to Istanbul, saw what had happened and learned the lessons. We decided that there was a big enough security risk to Jewish communities here in the UK that we would invest in putting film across every single outward-facing window. Then, when we were doing that process, we had it explained to us that if the window won't shatter, the glass itself travels as a projectile, so we then had to reinforce the window frames of a number of external-facing windows. We do that because we perceive a certain level of risk to synagogues and other Jewish communal sites, and we believe that it is worth that investment.

Similarly, when we build new schools, we do our utmost to build them as far away from the public highway as possible. My own organisation is involved at the architectural stage of the planning of new Jewish schools, and that is because in 1994 Hezbollah drove a truck bomb up against the Jewish community centre in Buenos Aires and murdered 84 people. We are all at equal risk of terrorist attack when we get on the tube or go to a concert, but when a religious minority is singled out for a terrorist attack, the impact that that has on that minority's sense not just of safety and security but of their future and belonging in a country can be very dramatic indeed. That is why we feel the need to do this; it is proportionate, we feel, for us, but I am not going to sit here and tell churches that they need to do it.

- Q43 **Tim Loughton:** That is the really interesting point. It is really helpful to have those examples of very real threats, present and historical, but you chose to do it without any legislation. Why does it now require legislation to make you and others carry on that good practice?

Mark Gardner: We do not need the legislation within the Jewish community; we do it because the Jewish community wants to protect itself. But the legislation as proposed—as I understand it, anyway—is not that onerous. Literally, it is a case of, "Here's a plan of our building. Here



is our awareness of the security threat to it.” And you should work with the local council, the local police and the whole counter-terrorism apparatus to have something adequate in place that just enables the people who work at the building to know what they should do, to know who to shout to if they see something suspicious, to know how to close the front door, to know where to invacuate to and to know how to evacuate. Every building, I presume, has a fire exit. To be honest, I think that you are making more out of the legislation than currently exists. I am not saying anything about what should occur for commercial premises; I am talking just about places of worship, and synagogues and mosques are at the moment, I would say, at relatively high risk of terrorist attack.

Q44 **Tim Loughton:** I don’t think anybody would deny that—

Mark Gardner: Yes, but what you said initially—you can’t legislate just for those premises—

Q45 **Tim Loughton:** No. The trouble, as earlier witnesses have said, is that the devil is in the detail. We don’t know exactly the scope and the powers of the regulator, so conceivably, if, for good practice and entirely understandably, synagogues and maybe mosques, following suit, are putting film over windows and things like that—there are a lot of stained-glass windows in churches as well. Why shouldn’t the regulator say, “Everyone now has to put film over windows”? That then becomes problematic. I understand it in terms of good practice, procedures and processes, but if it starts to tread into physical terrain, it can then become problematic.

May I finish with Mr Kill? Welcome back; I think you have given evidence to us before, on numerous different subjects. Do you have a problem with non-commercial premises being treated with a much softer touch or given far greater exemptions, notwithstanding some real risks?

Mike Kill: As you can appreciate, that is not my area of expertise, but what I would say is that it all draws back to the proportionality principle. Whatever size the event is or the site is, there will always be a fire risk assessment or a means of escape, so what we are talking about is something that, in terms of processes and procedures, as highlighted by my colleague, is already in situ. What we are talking about is just some initial thought process against the risks. The risk could be the geographical location, vicinity to important infrastructure, who is visiting, the type of clients who are coming, and so on. There will be different levels of risk presented in terms of those considerations, but any publicly accessible space could become a target, whether we are talking about 50 people, 2,000 people, or 90,000 people at a festival.

As you can appreciate, the risks are scalable and have to be considered, but it all draws down to the framework of proportionality consideration as we move forward. As you quite rightly said, they were very much at the low end, but what that framework looks like and the detail within that framework will give us a greater understanding of the approach and a greater understanding of the impact assessment around it. At present, that is where we are lacking.



Q46 Paula Barker: Mr Kill, Mr Gardner has been very clear about the steps that his organisation takes in terms of the threat that they face. Does the night-time industry currently take any steps against terrorism, and if so, can you talk us through what they are?

Mike Kill: No problem. As I highlighted earlier, we already have a very stringent regulatory position through the Licensing Act 2003, health and safety at work, and the private security Act. Within that licensing framework, there is a requirement of premises and event organisers to take account of and include considerations about public safety and the prevention of crime and disorder. It is probably important at this time to really highlight how important it is for those to interlock, integrate and align in terms of this duty and the potential duties it will have to work alongside, and that includes the regulators.

In our sector as a whole, there are, as you can appreciate, varying compliance levels, depending on the different categories of business. With events and festivals, organisers already have due regard for counter-terrorism as part of their event management and security protocols, particularly with the scalability of some of these events, from Glastonbury to the likes of the Reading festival and Parklife. But they also have to go through a safety advisory group—an independent advisory group will assess the event management plan and the security plan. These groups are made up of authority stakeholders, including police planners, event organisers and external stakeholders, who will consider whether the risks presented by putting on these events—from traffic to counter-terror, to transport infrastructure and so on—have been mitigated.

For pubs, bars, venues, restaurants and so on, at that point there is a disparity in compliance, to be quite frank about it. There is a broad difference between independent businesses that have to fulfil this role and the risk assessments around counter-terrorism, and the corporate side or the managed businesses that have a CSR position—a corporate responsibility position—to safeguard what they are doing, and a broader understanding, so we do see a shortcoming in some of the smaller venues, particularly independents.

There is very much a wide use of third-party policy and procedure implementation. People will go out and use a third-party company, who will help some of the independents at the lower end—this is what we will see in the lower-tier or standard-tier businesses—to get to a point where their risk assessments are, in many respects, generalised. They are then considered and adapted on a local level through these generalised RAs. Within that, you do see counter-terror strategy on a very basic level—not so much the training, but definitely a process and an emergency protocol procedure that is considered.

On a local level, whether you are in a city, a town or a village will determine what level of resource or expertise will be available within policing to then work within projects like Project Griffin, which are counter-terror projects. That also aligns to the level of intelligence that is being shared between the local authority, or policing, and local businesses. That



HOUSE OF COMMONS

is set up quite stringently, but it is very different depending on the environments people operate in—particularly the infrastructure that surrounds the spaces or environments that we are talking about.

As you can appreciate, with the likes of Parklife, which is going on this weekend, you will see a full infrastructure and integration with the safety advisory group. This will have been planned since the end of the event last year, leading through to the event this year, whereas a 100-capacity bar or pub in a village will not have that resource requirement and will have a consideration for risk assessment and for public safety, but not scalably at the level that we have seen with the likes of Parklife.

The other thing that is really important, and which I brought up earlier, is that, in many respects, we lack the proportionality principle in some of those mid-range businesses—the 800-capacity to 2,000-capacity businesses—which do not have to go through the safety advisory group process and may well need further support in terms of the considerations around this duty. But that is more with regard to the access to expertise and resource to support them within this period as we move forward.

As of now, in terms of the disparity between the large-scale events who deliver quite readily and who have to go through a process, and the smaller businesses—many that sit within the standard environment and that have a basic level of counter-terror process and emergency protocol—as we move towards 800 capacity upwards, we do see a challenge in terms of them being able to deliver to the level required within the duty.

Q47 Paula Barker: On the issue of third-party companies assisting with risk assessments etc., we heard from Mrs Murray this morning about organisations that have been set up and are going to businesses currently saying, “We can assist you in terms of your compliance with Martyn’s law,” which clearly is incorrect because Martyn’s law is not in legislation yet, and there are lots of grey areas. Do all the third-party companies that work with the night-time industry have to be certified at a certain level?

Mike Kill: The answer to the question is no. We have some very clear challenges. It is something that I have highlighted to the Home Office and to regulatory bodies. There is a concern that there are third-party companies going out and selling training at present for a Protect duty and counter-terrorism in terms of Martyn’s law. What we have been very clear on, particularly with our members and the wider industry, is that at present we do not know what the detail is. We cannot give a full training mechanism purely for the fact that it has not been brought to bear yet. We are not in that place. We feel that there is an issue at present with the market presenting training that could cost businesses money where they will have to reassess their training mechanism further down the line once the duty has got potentially to the point of its final stages.

Q48 Paula Barker: Thank you. Mr Gardner, to go back to a point that you raised about volunteers, that was something that I raised with Home Office colleagues this morning. Obviously, we are aware that under the



HOUSE OF COMMONS

Bill there would be a dedicated registered person, but I talked about volunteers. Sometimes there are rogue employers, for example, or rogue organisations that would say, "Well, there's nothing to see here. It was all the fault of the volunteer." You spoke in very similar terms to that. Obviously, the CST is a very experienced organisation and works very effectively. Do you see any challenges in terms of volunteers to other faith organisations that they may not have thought of, where the CST could perhaps provide advice, guidance and support?

Mark Gardner: Absolutely. It comes back to the previous questions about the level of threat that we perceive as a Jewish community. For those reasons, we do X, Y and Z. As a church, a Hindu temple, a mosque or a Sikh gurdwara, you have to decide what you believe the level of threat is to you. We would advise you to discuss it locally with police and the local council. Get a handle on that. Understand a little when that risk may increase depending on circumstance or depending upon visitors to your premises.

We use a quote at the very beginning of the talks that we give, where people come together from across all different faiths while we give the Jewish experience. In one of our first ever sessions, a vicar pointed out, "Hold on a minute. My church has an ethos and a religious instruction to welcome the stranger." Then he said—this is literally what we quote—"I get it. What we need to do is welcome the stranger but make sure that they're not there to harm us." I think the Bill provides another sentence to that: "If the stranger is there to harm us, then we need to know what to do." That is all this is. What are the basics of what we ought to do?

Volunteers are absolutely critical to running places of worship. It does not matter what religion, or how big or small the premises are. They are absolutely central to it. I have said this before, but for me it comes back to the spirit in which the law is applied. Is this supposed to be punitive or is this supposed to be supportive? I think it has to be supportive in its spirit and application, and if it can be somehow made supportive in its wording, that should occur also.

Q49 **Alison Thewliss:** I apologise for coming in late; I had to cover a Westminster Hall debate as well as coming here today. Mike, do you perceive any difference from some of your colleagues in Scotland? Obviously, the legislation around licensing is slightly different there. There are slightly different responsibilities for licence holders. Is there anything particular there that we should be aware of, or which would be useful to bring into the debate?

Mike Kill: In Scotland and the work that we do with the commission and the body, there is. The challenge really represents that. As you quite rightly said, licensing legislation is different, but this is where that integration between current duties and provisions and this duty need to work together.

When we talk about primacy and low-level primacy in who is in control in complex situations, we will face a similar environment with regulatory

bodies, who will have to really understand who has primary positioning, whether it is licensing, protection of public spaces etc. There needs to be absolute clarity on how this works. I think there are consistent challenges with regard to what I highlighted earlier—in terms of language, consistency etc—that will probably be very apparent across all devolved nations moving forward. In simple terms, nothing is separate, apart from the legislative differences and where those devolved powers would sit in influencing the implementation in Scotland.

We still have questions over the 800-capacity threshold. Is that with reference to the proportion of businesses across the country and the relevance or access to resource CTAs in policing etc? How will that be different in Scotland, given the fact that we are talking about a smaller police force—one police force among all—and the fact that there is a broader amount of coverage in policing from the highlands, the central belt etc? There are lots of considerations around Scotland as a devolved Government and the way that it is approached, but threshold-wise it is an understanding of where that sits and the influence that Scotland will have on that.

As you can appreciate, I think the impact assessment suggests that the Secretary of State has the ability to drop down from 800-capacity to 500-capacity where we are quite aware that our temporary event notice capacity is 499. We are not sure why 800 came in, although dropping to 500 would present a more challenging consideration in accessing expertise, policing pressures etc. I think there are lots of checks and balances that need to be considered when we actually look at implementing this, because it will place pressure on training companies. Even if we look at hospitality as a whole, it has 3.2 million people employed. Actually implementing training, even on a digital base, and getting people, particularly with the higher turnover of staff we represent—not only in Scotland but in Wales, England and Northern Ireland—and how we will effectively manage that is a huge concern.

The expertise in counter-terror at the enhanced level will be stretched, without a doubt. I am not sure that the impact assessment on the resource to access that expertise and the training mechanisms to deliver to such a huge audience effectively, potentially over a very short period of time, is being considered in all this.

Q50 Alison Thewliss: Would you say that there needs to be a lot more resourcing put into that? Clearly, if more information is being gathered and put into a system, there need to be some kind of analytics at the other side of that.

Mike Kill: You would hope—I mean, between the impact assessment on the current regulatory duties, you would have to understand the impact assessment on cost; we still feel that £2,000 for a lower-stated standard Protect duty venue against an 800-cap enhance is hugely understated. When you talk about venues or spaces with such a high turnover, budgetary-wise everything will be front-loaded. You will see 40% or 50%



HOUSE OF COMMONS

of your cost at the outset, then the maintenance will be quite high because of the training mechanisms of turning over.

If you talk about festivals, Parklife as a festival has a normal amount of staff who are permanent; the rest are all transient. You are talking about replenishing this training on a continual basis, so we are talking about a huge consideration in terms of the infrastructure and development of a training course that is accessible and easy to pick up. We are also not considering that there will be bespoke site-specific training that must be undertaken and the timeline for that.

Q51 Alison Thewliss: That is interesting. I represent Glasgow Central, so I have the SEC Centre and the Hydro and smaller venues—venues of all shapes and sizes, from King Tut's to Barrowland and everything else—but also Glasgow Green, where we have TRNSMT happening as well. I am really conscious of what you said about the training of security personnel. Is there more that the SIA need to do to ensure that their operatives are up to scratch and ready for this?

Mike Kill: Yes. I also chair the UK Door Security Association, and the concern we have is that we have recently gone through the Home Office changing the training mechanism over two years ago. There was not a great consideration in terms of counter-terrorism, as far as we are concerned, not to the point that we would consider this duty.

The other thing that I think is really important to understand is the transient nature of door security at the moment. During the pandemic, we saw an 80% pre-covid resource level. What we are concerned about now, which has been highlighted to the Home Office, is that while we talk about the approved contractor scheme having some 800 or 900 contractors in it, there are some 3,000 or 4,000 who are untraceable and untrackable in delivering security resource. Surely at some point, through registration or business licensing, there must be a consideration to fill that void and allow us to ensure that we have a managed and understood group of companies that deliver security resource. At the moment, it could potentially compromise the whole duty.

Q52 Chair: Thank you very much indeed. That concludes our session today. If there is anything that you have not been able to say, please do send in writing any points that you feel we have not addressed. Can I get the Committee to agree that we will publish the written evidence? Is everyone agreed on that? Yes—thank you. Thank you again for your time.