



Home Affairs Committee

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

Tuesday 20 June 2023

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Members present: Dame Diana Johnson (Chair); Simon Fell; Tim Loughton; Alison Thewliss.

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Witnesses

[I](#): Jonathan Hall, Independent Reviewer of Terrorism Legislation.

[II](#): Matt Jukes, Assistant Commissioner for Specialist Operations, Metropolitan Police Service; and Shaun Kennedy, Chief Operating Officer for Central Europe, Securitas.

[III](#): Rt Hon Tom Tugendhat MBE VR MP, Minister for Security, Home Office; and Shaun Hipgrave, Director, Homeland Security Group, Home Office.

Written evidence from witnesses:



Examination of witness

Witness: Jonathan Hall.

Q53 **Chair:** Good morning and welcome to the Home Affairs Select Committee. This is our second pre-legislative scrutiny hearing on the Draft Terrorism (Protection of Premises) Bill, and we have three panels this morning. I welcome our first witness. Would you like to introduce yourself to the members of the Committee?

Jonathan Hall: Yes, my name is Jonathan Hall. I am the Independent Reviewer of Terrorism Legislation.

Q54 **Chair:** Thank you. We are very grateful that you are with us this morning. Just to let you know, we will be joined by other Members, and I do apologise for starting a little late.

Could we start off with whether you think the purpose of the draft Terrorism (Protection of Premises) Bill is clear? Do you think there is clarity about what this Bill is intending to do?

Jonathan Hall: No, I don't think there is clarity. The public might think, after the Manchester Arena attack, that the real purpose of this sort of Bill is to prevent terror attacks. On analysis, I think this Bill—this is particularly the case when you look at the draft guidance that has just been issued—is really about dealing with the aftermath of attacks, in which case it is very different indeed.

If, on the one hand, it is about prevention, I think it is necessary to be clear with the public about what this sort of legislation might be requiring. It does seem to me that one is looking at security arches, hard perimeters, bag searches, extra staff and so on, because I absolutely accept that that sort of thing could deter a terrorist from attacking. If, on the other hand, it is really looking at dealing with the aftermath of, say, a marauding knife or bomb attack, it is more about teaching people to lock the door going in and going out, and knowing how to contact the emergency services. The former is a dramatic change to our way of life; that takes one into the sort of Israeli experience, where you might have security arches in a range of public areas. If it is the latter, it is not quite so impactful.

Q55 **Chair:** I think you tweeted out that you thought that this Bill could be “the most impactful terrorism legislation ever proposed”.

Jonathan Hall: Yes.

Chair: In light of what you have just said about the lack of clarity, do you want to say a little more about that?

Jonathan Hall: Yes. The only terrorism legislation I am aware of that puts a duty on a normal member of the public is something called section 38B of the Terrorism Act, which makes it an offence not to tell the police about an imminent attack. That is the only single section. This would have the dramatic effect of placing a duty on the hundreds of thousands



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of people who control premises, and that is whether you are talking about a duty to prevent attacks or a duty to manage the aftermath of attacks, so it is incredibly impactful.

The other point to note—I have not seen this commented on anywhere—is that, generally speaking, after attacks Government Ministers and the police, quite rightly, go on television and say, “Terrorists are not going to win. This is not going to change the way in which we live our lives.” This Bill seems to be completely the reverse: it is actually mandating a change to the way in which we live our lives, and I am not quite sure why this change is now being mandated and is now being required.

That is a very big change to the general posture in this country, which is that attacks do happen. The specialist police and MI5 are generally very good at stopping them. We have emergency services, who sometimes will be criticised for their response. But, basically, the public gets on with their lives and doesn’t have to think too much about it.

This seems to reverse that in a very dramatic way. So, if the Bill goes through in its present form, you are not simply talking about security professionals advising the Manchester Arena; you are talking about people in squash clubs and mosques and so on having to think all the time about the terrorist risk.

It is not stupid to think about the risk of over-compliance. I was trying to think about concrete situations. Imagine if you have a favourite entrance to your squash club—there is a side entrance you like to go into. Someone will say, “No, we can’t do that now—terrorism.” It could be a little bit like the data protection over-compliance that we saw about five or 10 years ago. You are not going to have mature, proportionate, trained specialists, like the police, who know how to manage these things.

By the way, in an area that is often quite political and sensitive, and religious and racially sensitive, this Bill is inviting all sorts of members of the public to become counter-terrorism specialists. One of the little lurking queries I had in mind—again, I just put it in front of you—is that if there is an attack and it is by someone from a particular ethnicity, when you charge members of the public to become like counter-terrorism officers or to have a counter-terrorism posture, there is a risk that people are going to start saying, “Well, I’m not going to have someone with that ethnicity coming in,” or, “I’m going to do extra searches for people who look like they come from that sort of background.”

The police and Security Service have strong legal and ethical frameworks, and people like me, who oversee that, try to make sure that people are not being discriminated against. But once you throw out a counter-terrorism duty to hundreds of thousands of citizens, the risks of unintended consequences are quite high. That is talking about members of the public who don’t want to be discriminated against, plus you have the general, complete hassle-worthiness of people posting counter-terrorism notices, saying, “You can’t do this. Computer says no.”



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Q56 Chair: That is very helpful. I think the Committee was concerned at our first hearing about people who purport to be experts and who offer guidance and help to businesses and the voluntary and community sector to comply with whatever this Bill turns into once it becomes an Act. How would you deal with people who present themselves as consultants or as very knowledgeable about this area? What would you say about that?

Jonathan Hall: I don't know how you deal with it, but it is certainly a risk, because terrorism is ultimately quite a recondite and abstruse area. The terrorist threat changes and people develop. It is quite covert and clandestine. Terrorists on the internet will be issuing documents instructing terrorists how to avoid measures that currently exist. If you want to carry out an attack, you can go on the internet and find advice. Let's say a load of guidance comes in; the next wave will be terrorist attackers pulling stuff down from the internet and saying, "Well, that is what Jonathan Hall and his squash club is going to be doing. This is how you get around it."

I understand completely why a member of the public in that situation will want to reach out to specialists, and you will create a whole cadre of terrorism specialists. I have no doubt that many police officers will earn a healthy living from doing that, but I am not quite sure that that is what anyone wants to impose on ordinary members of the public.

Q57 Chair: That is helpful, thank you. Just looking back at terrorist attacks over recent years, if this Bill was enacted, what would the effect have been on those terrorist attacks?

Jonathan Hall: I looked at Wikipedia's list of terrorist attacks since the 1990s, and I apologise for starting on Wikipedia, but it was quite comprehensive—apart from one, which I have added in. In the 1990s, it was basically all IRA—bombs and mortar attacks. Most attacks in the 1990s are outside the scope of the Bill. They are not near or in the immediate vicinity of premises; they are on Crown property, which I think is exempt, or at transport stations. It is impossible to conclude that any difference would have been made by the Bill.

In the 2000s, there were six terrorist attacks—six bombings—and one vehicle attack. All but one were out of scope. The only one that was potentially in scope was an IRA bomb outside the BBC TV centre. Again, it is impossible to conclude the Bill would have made a difference.

Sorry, I should go back. In the 1990s, there was one attack, which was the Admiral Duncan attack. Do you remember the Copeland attack with the nail bomb? I suppose you could say—I am assuming the Admiral Duncan pub had a capacity of 100-plus—that you could have prevented it if there had been a security arch or a search of his bags. So that is a good example of, are those the impositions you would like to have?

In the 2010s, there were 14 attacks. A lot involved knives, so we see knives coming in for the first time. There were also vehicle attacks, bombs and one firearm. The majority are out of scope, so, again, they are on the street, they are on Crown premises, like barracks, or they are



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on transport. The five that are potentially in scope are the murder of Stephens Timms MP, but that was a targeted assassination, and I don't think—

Chair: Sorry, I am not sure that is correct. Say that again.

Jonathan Hall: Wasn't it a targeted assassination—in other words, someone murdered—

Chair: Did you say Stephen Timms?

Jonathan Hall: Yes, I did.

Chair: Yes. Stephen Timms wasn't murdered. He was attacked.

Jonathan Hall: Attacked, I am sorry—not murdered.

Chair: Yes, it was a terrorist attack.

Jonathan Hall: I am so sorry—I am rushing.

Chair: No, I just wanted to be clear.

Jonathan Hall: Thank you very much, and I apologise to him. The attack—the attempted murder—on Stephen Timms, was a targeted attack. It is quite hard to see how a Bill would have made a difference, because the attacker would have said, "Well, if he is not in the premises, I will follow him on the street."

There was Pavlo Lapshyn, who planted bombs outside mosques. Again, it is quite hard to see how this would have made a difference. The Manchester Arena attack is within scope, but that is the massive premises that motivates the Bill. The London Bridge attack is the one that then carried on into Borough Market. I do not know what capacity the premises had within Borough Market. If they were under 100-plus, they wouldn't have been in the scope, so it would have made no difference. If they were over 100-plus, the Bill could have made a difference, in the sense of people locking doors or something.

Then, Fishmongers Hall was a targeted attack. I do not know if you know anything about the detail of that, but the killer, Usman Khan, deliberately chose victims and did not attack other people he could have attacked, so the Bill would have made no difference.

Then, in the 2020s, there are five attacks. All but one are out of scope, and that leaves the murder of Sir David Amess. That was a targeted attack, and I do not think the Bill would have made a difference.

When you go through the last 30 or so years of attacks, I think it is really only Manchester Arena and the Borough Market aspect of the London Bridge attacks where the Bill potentially could have made a difference. One of those is a much larger premises. That leaves one attack within this period of time where, potentially, in smaller premises, it could have



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made a difference. So it is quite a small evidence base for saying that a legal duty needs to be created.

- Q58 **Chair:** That is very helpful. I will come to Simon Fell, but before I do, I want to ask you about a point that was raised with us last week, about premises that are less than 100, but there is a group of them. The cumulative effect of having lots of little restaurants—perhaps Borough Market is an example—creates an area that people might think an attack could happen in. The Bill does not deal with that, because there is no sense of an area being a hub. It treats individual business and premises separately. Do you think that is an issue?

Jonathan Hall: The fundamental point is that there is no rational basis for cutting off the duty at premises of 100-plus if you are thinking about terrorist risk. In principle, a terrorist who is carrying out a marauding knife attack could attack in a small boutique shop, in a large premises or, as you say, in a cluster of attacks.

The way in which the Bill seems to be constructed is not to say that there is any greater risk for premises over 100, but that it is more proportionate to impose the duty on premises over 100. I agree with you that if you were looking at the risk, you would not distinguish between 100-plus and under 100, and you might include clusters of premises as well.

Chair: That is very helpful, thank you very much. Simon Fell.

- Q59 **Simon Fell:** Thank you for joining us. Given the list you have just rattled through, and the potential impact of this Bill on those if it had been in place at the time, it does feel a little like we are using a sledgehammer to crack a nut. I can absolutely see the benefit of this for Manchester Arena, but for smaller venues—I represent a Cumbrian constituency and I have village halls that are tiny and that have shared ownership, shared keys and trustees holding them together—I struggle to see what impact this would have, other than a very disproportionate one on people trying to keep these facilities open. Do you have any examples from the international context of where legislation like this has been brought in and it has worked well?

Jonathan Hall: As the impact assessment says, this is unprecedented. I am not aware of any legislation that is equivalent to this anywhere else in the world. In relation to the balance between urban and rural, as you have seen in the note that I tweeted out, attacks do not tend to take place in rural places, and yet the burden of the Bill will apply equally.

I have been trying to work out what the evidence is on which you might say, "Let's choose venues of 100-plus in rural locations." If you look at the impact assessment, there is an interesting concession at paragraph 41. It says, "In the absence of specific threat reporting regarding attack locations, capacity represents a fair and equitable basis to ensure that locations which may be significantly impacted by targeting by terrorists are included." So the way the 100-plus figure is settled upon is on the basis not that there is any evidence that these premises are more likely



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to be attacked, whether in rural locations in Cumbria, or indeed in London, but that it is fair and equitable.

The point I would make is that “fair and equitable” is not the same as necessary and proportionate. Generally speaking, the strength of terrorism legislation in this country is that it advances incrementally on the basis of evidence. I could contrast it with that in some other countries, like Australia, where you tend to have more symbolic legislation. This seems to be going beyond the bounds of normal terrorism legislation, in the sense that it is not responding to a need. It is almost a top-down approach.

The chairman of the Manchester Arena inquiry said he thinks there ought to be a protect duty—that was in relation to the particular size of venue—and then everything has been looked at through that prism. Having effectively said, “In principle, attacks could take place anywhere. How are we going to limit the burden?” this arbitrary figure of 100-plus has been chosen. It is not responding to necessity and proportionality; it is responding to the sense of what is fair and equitable.

Q60 Simon Fell: That is really interesting, thank you. What has your involvement been in helping to draft this? Has the Home Office had you in to talk about it?

Jonathan Hall: Yes, they have—not before the draft Bill was laid, but subsequently I have had a useful meeting with the Home Office, and they have invited me to carry on discussing the Bill with them. As you know, I have raised particular points. I am troubled by clause 18 and this ability to serve notices on other people. I have said I will carry on being engaged on it, but of course there is a fundamental issue, which I think is really for Parliament: whether to include the smaller venues, which the chairman of the Manchester Arena inquiry was not really thinking about.

Q61 Simon Fell: We have talked about outside markets to a degree. I know they are out of scope of this as it stands, but there have been incidents in Europe where terrorists have targeted those sorts of arenas. Do you think the push from the Home Office to cover some of these smaller venues—I know markets are not covered—is as a result of the changing nature of attacks by terrorists and lone actors, or do you not see the evidence behind that?

Jonathan Hall: I think it is a response to the changing nature of the threat. If you speak to people in the threat assessment business, as you will know, they will say that the main threat in Great Britain—not Northern Ireland, which is also covered by the Bill, and it is worth thinking about its application there—is self-initiated loner attacks.

I think the logic of the position is, “Since these attacks could come out of anywhere, then everywhere ought to be covered by a duty. Since it would be disproportionate to have every single premises, even a small handbag shop with three employees, let’s cut it somewhere and make it 100-plus.” That seems to be the logic. So it is responding to the threat, but as that passage in the impact assessment shows, it is not responding



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to an assessment that there is a particular of type of premises that is more likely to be attacked.

I do not want to use the word “arbitrary”, and I understand why we are thinking about the Bill, but terrorists are often attacking in crowded spaces in public and on the streets, and all of those places are outside scope. You have to ask yourself whether, if a Bill was created and it did have a deterrent effect, it would displace terrorist attacks from premises on to streets. I think the answer is that, in some cases, it would.

Q62 Simon Fell: A couple more questions, if I may, on the regulator. We do not have a lot of detail on this at the moment, but the Bill does enable the Secretary of State to potentially take on that role. Do you have concerns about that?

Jonathan Hall: If the Secretary of State was personally to be involved in decisions on whether to close venues or to stop events, yes, I would be very concerned because of the risk of politicisation—of course, I would. The reality, in the real world, if it is set up within the Home Office, is that it would be an arm’s length body, so those considerations would not apply so much.

I do not understand for myself—at least in relation to the standard premises—why the Health and Safety Executive could not take on this role. I know they are taking on a large burden with the building regulator post Grenfell. But if, in fact, what standard premises are being asked to do to is to carry out a risk assessment based on a template, there is no particular expertise that comes with that, is there? I do not see why, in principle, the HSE, when it goes around and carries out inspections, could not also say, “Well, have you done your risk assessment?”

The argument that I have heard from the Home Office is, “This is terrorism, and the Health and Safety Executive isn’t really plugged into the Home Office counter-terrorism network,” but that, again, depends on the nature of the duty. If you really are asking small premises to become experts in terrorism, I agree, but if all they are being asked to do is to work out egress points, contact points for 999 and so on, it is not so different from duties that premises have anyway to keep their employees safe—for example, from attacks from customers, which is something that they may have to think about anyway.

Simon Fell: That is very helpful. Thank you so much.

Q63 Alison Thewliss: I want to ask a bit about what you said about Northern Ireland. Could you expand a wee bit more on the context there?

Jonathan Hall: The threat in Northern Ireland is very different indeed. The threat of terrorism attacks can be divided into two. There are what they call national security terrorism attacks for attacks on Crown forces, as we would call them. So it could be prison officers, but most likely police officers. It could be MI5, if they ever got their hands on them—that sort of thing. Then you have paramilitary groups who do punishment beatings—knee-cappings of drug dealers—often under the badge of their



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terrorist logo, but they are not considered national security attacks because they are more general criminality.

It is hard to see that the threat picture that is the animating force of the Bill in Great Britain can possibly have any validity in Northern Ireland. There are not marauding knife attacks; there are not people walking in and carrying out suicide bombings in Northern Ireland. The idea of imposing a duty on premises in Northern Ireland just seems to miss the boat completely.

Q64 Alison Thewliss: That is useful, thank you. I want to ask about the Scottish context of this because Scotland has separate licensing laws and they operate slightly differently from those in the rest of the UK. In Scotland, in terms of someone who owns a bar and who has a personal licence for a premises, there seems to be some suggestion that there will be an accountable person in each premises for assessing risk and making sure that things are carried out. Do you think it would be reasonable to sit that on top of somebody who is a personal licence holder, or would that be a separate person?

Jonathan Hall: Candidly, I do not know the answer to that question. That is a level of detail that I do not really know. I do not see why in smaller premises—if they are to have any sort of duty—existing licence holders cannot absorb it, as long as it is relatively small and easy to do. I do not know if that answers your question. In terms of Scotland, I cannot think of any terrorist attacks within the scope of the Bill at all—of course, the Glasgow Airport attack was outside scope.

Q65 Alison Thewliss: Outside the scope, yes, absolutely.

This is obviously a very evolving picture, and attacks vary widely across the world in how they would operate. Thinking internationally, you had the attack on the La Rambla in Barcelona, which obviously would not be in the scope of this Bill; the Berlin Christmas market attack, which, again, as things stand, would not be in the scope of this Bill; and the Boston marathon attack. Each of those cities would have had different responses to those afterwards. Is there anything we can learn from the responses that these cities have taken to those attacks that might be useful in the context of this Bill?

Jonathan Hall: The only thing I was thinking about is the response to victims. It is a slightly unfortunate thing to say, but in a way it is harder to prevent attacks taking place—although MI5 and the counter-terrorism police do a very good job of it—than it is to control the aftermath. I was quite struck, thinking about what happens to victims after attacks—it is nothing to do with the Bill, but it could be relevant—that if billions of pounds are going to be spent on this, it will remove money from aftercare for victims.

France has a much better system for dealing with victims of terrorist attacks than we do—much more supportive and much more proactive. If you want to learn a lesson from abroad, I think it is to perhaps extend greater assistance to people who have been either physically or mentally



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harmed or bereaved in terrorist attacks. One of my minor fears is that, in a way, this Bill will squeeze out the resources for dealing with that side of business.

- Q66 **Alison Thewliss:** That is interesting. I was going ask about some of the responses and whether they are effective. If you go to Boston, you cannot take a backpack anywhere, or your backpack needs to be clear. That is a very specific response to a very specific kind of issue there. Looking at this, it seems to me that it is probably important that premises understand risks and are able to manage things if something happens. Twenty-odd years ago I used to work in a high street retailer, and every now and again, it was, "An alert has been phoned into the shop. Here is what you do." I do not know how widespread that is or indeed if it still happens. Surely there is a case to be made that the awareness-raising part of this Bill—where premises are required to understand what the risk is, to respond if something happens and to know how to deal with something if it does happen—is a useful practice.

Jonathan Hall: As far as I know, premises already have a duty to take reasonable care in relation to the protection of their employees. If you work in a retail premises, it is quite possible that someone could come in—a customer—and carry out an assault on a member of staff. You would have to know where to go to evacuate the premises, you would have to know how to contact emergency services and you might want to have an easy procedure to lock the door to stop something happening, or whatever.

I am not entirely sure why you need an extra layer on top to deal with terrorist risk. Either terrorist risk is just like more violence, in which case that is something that premises already deal with, or you are looking at something—a duty to prevent terrorist attacks—that is a really specialist and novel duty, which I do not think belongs with ordinary members of the public.

- Q67 **Alison Thewliss:** But it ought to belong to the people that are running venues. In Glasgow, there is a huge range of different venues in my constituency—everything from the Hydro in the SEC to smaller venues, such as gig venues or bars that might operate on a much smaller scale than that. But if you do not know exactly where that attack could come from, and there is a weak point there that a terrorist could exploit, surely it makes sense that people in those premises know what to do.

Jonathan Hall: I would caution against those sorts of common-sense approaches. I would rather approach it on the basis of evidence. We are really all here because of the Manchester Arena attack. The chairman looked at the case for a protect duty in the context of larger premises and said, "On that basis, there should be a protect duty," and the Government agreed. He did not look at smaller venues and hear evidence about it.

Going back to my point earlier about incrementalism, it is quite easy with terrorism to say, "Surely we should do this. Surely we should do that." It



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is far better to say, "Let's see if there is evidence that this will make a difference and, if that is the case, take a step, rather than trying to anticipate what might make a difference."

Q68 Alison Thewliss: In the United States, it is different because of the context of firearms. There are far more attacks on premises where people are, whether that is schools, nightclubs or other venues. Is it sensible that that is something that we prepare for, in the sense of preparing for the worst and you don't know what might happen?

Jonathan Hall: I would suggest not because, happily, the United Kingdom is very different from the United States. In fact, the greatest protection we have against terrorism is the fact that we do not have readily available firearms. The focus should be on keeping guns off the streets. I would not suggest crafting a duty that is based on the US experience, which is titanically different. If you think about the number of mass shootings there have been already this year, there is no comparison.

Q69 Chair: In terms of your role, you obviously have duties reviewing the Terrorism Act 2000. Would you expect that you would have some responsibility if this Bill became law to review its implementation and its effectiveness?

Jonathan Hall: No, because of the scale of it. I am one person. I am just a barrister. I don't have any staff. I don't have the capacity to go around seeing what the impact would be. I could do a snapshot, I could provide some anecdotes and I would certainly address it in my annual reports, but I would not in any way be able to do any sort of post-legislative monitoring of the impact.

Q70 Chair: Who do you think should be looking at the effectiveness of this if it was implemented?

Jonathan Hall: I guess a Committee like yours, hearing evidence.

Chair: Down to Parliament?

Jonathan Hall: I think so.

Q71 Chair: Is there anything else you want to say to the Committee in terms of what you are concerned about with the Bill—anything that you think that we need to specifically raise with Government?

Jonathan Hall: Yes. I agree with the Regulatory Policy Committee's review that the benefits have not been adequately identified to warrant imposing this burden on small and medium-size enterprises by reference to any evidence.

I think I have mentioned it, but I just want to go back to that question about why you have the 100-plus cut-off point. It seems difficult to say, if you had a luxury boutique with a capacity of, say, 20, and selling extraordinary Prada handbags or whatever, that they would have any less capacity to absorb the cost of complying with Martyn's Law than a



squash club, which just happens to tip over the 100 mark.

I find this division of 100 really difficult. I understand the logic that attacks can take place anywhere. What I do not understand is why it is imposed at the 100 level as opposed to the 200 level. So I go back to the point—forgive me for repeating it—that it is always worth looking at our experience and then building laws that respond to our experience. The Manchester Arena attack calls for a protect duty for larger premises. It does not call, in my assessment anyway, for a duty for smaller premises.

Q72 **Chair:** You think for any smaller premises—less than 800?

Jonathan Hall: Yes, because, going back to my incrementalism point, there has to be evidence that it is necessary to have a duty. The best evidence is previous attacks where you can say that having a Bill of this sort would have made a difference, and that evidence is lacking.

I understand common-sense points—“Surely it’s a good idea. Who can object?” But, in cold, hard reality, there is no evidence base for saying that this would make a difference. As I have tried to illustrate, there are some civil liberties risks in terms of members of the public suddenly finding themselves on the back end of discrimination from owners of small premises, who are doing their best to comply but maybe taking it in the wrong way. You have the burden on people who are going about their business and who are suddenly being told that everything has changed, and you have the risk of over-compliance, which is a significant burden. Plus, there is the £200 cost or the £8,000 cost or whatever it is on each set of premises.

Q73 **Chair:** To be clear, the Regulatory Policy Committee rated the impact assessment for the Bill as not fit for purpose. Do you agree with that assessment?

Jonathan Hall: I agree with the assessment completely because, with respect, the Regulatory Policy Committee has completely put their finger on the right point, which is, what is the evidence that this is going to create a benefit for that level of premises that begins to justify the impact on ordinary life, members of the public and the costs that will be incurred?

Chair: That is very clear. Thank you for that, and thank you for your evidence this morning. We very much appreciate it. The Committee will be responding to the Government on the draft Bill.

Examination of witnesses

Witnesses: Matt Jukes and Shaun Kennedy.

Q74 **Chair:** Good morning. This is our second panel. Would the witnesses like to introduce themselves to the Committee?

Matt Jukes: Thank you. I am Matt Jukes, head of counter terrorism policing and an assistant commissioner in the Metropolitan police.



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Shaun Kennedy: I am Shaun Kennedy. I am the chief operating officer for central Europe for Securitas and the outgoing president of Securitas in the UK. I am also representing the British Security Industry Association, and Risk, which is another security association.

Q75 **Chair:** We have just heard evidence from the Independent Reviewer of Terrorism on his view of the Bill. To start us off, Mr Jukes, perhaps you could set out for us how counter-terrorism policing currently works with stakeholders to anticipate and prepare for terrorist attacks, especially because we are all very concerned about the individuals who are not part of any big group, but who attack—I do not think we are supposed to say “lone wolf”, but the self-initiated individuals. Could you set this in context for us so that we understand what the current situation is.

Matt Jukes: Yes. The context, from our perspective, is the experience of investigating, at present, 800 terrorist cases alongside our colleagues in MI5, and, tragically, investigating the consequences of those attacks that have taken place. I will start by paying tribute to the victims and to the survivors of those attacks, whose campaigns have brought us to this point—in particular, Figen Murray, who has worked tirelessly.

The context at present is one where we face a threat that is dispersed. It is principally driven by those who might act in ways that are of lower sophistication, who might use knives or vehicles as weapons and whose targets are no longer exclusively great places of state or people of state, although, tragically, of course, we have seen both. There is a focus on harming the wider public, and there has been the experience of the attacks, particularly of 2017, where we have seen the night-time economy and major venues the subject of those attacks.

In the 800 investigations under way at present, there will be, in some instances, opportunities through our investigations to disrupt and deter, but I know from casework, and from recent casework, that protective security measures, and the power of a vigilant public, make a difference constantly to protecting our communities. We already work—whether through a duty or through a sense of public obligation—with thousands of businesses and community organisations that take their commitments to protect the public from terrorism very seriously.

But that partnership is inconsistent, and I welcome the opportunity that this Bill brings to drive greater consistency in the partnership that we already enjoy with businesses and communities. Every year, we take thousands of calls from the public. I listened to the previous evidence, and we know that the contribution of the public to countering the terror threat is real—it is present in our communities every single day, and it is present in the best-performing businesses in this space. We look forward to the opportunity to have greater consistency and a clear framework in which that partnership will continue.

Q76 **Chair:** Are you clear about what this Bill is going to do? There seemed to be, from the previous evidence, confusion around what the purpose of the Bill was. Are you clear?



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Matt Jukes: If drafting and communication can improve that clarity, we will welcome it. In my mind, this Bill can make an important contribution to reporting the harm done by terrorism. It will do that in two ways. First, we know that it can serve to prevent and deter terrorists to see that there are vigilant custodians of the public space present and that there are physical measures in place. We know that from our casework. So some attacks will be prevented.

But we also know that the harm done, particularly by the marauding terrorist attacks, can be mitigated, so preparation is important. I recognise, in the standard set of cases, that it is more likely that the consequence will be to intervene while a terrorist act is unfolding. Concerning the previous evidence, I would talk about not the aftermath but the ongoing reality of a terrorist incident.

There is an opportunity presented by the framework created by this Bill for people to take simple low or no-cost steps that will save lives. We saw that in Borough Market. Whether or not the premises would have been subject to this duty, we saw that the simple decision to lock a door can save lives. In the synagogue Halle, in Germany, the practice of locking doors saved lives.

I recognise the complexities, the importance of proportionality, and the concerns that have been expressed by witnesses to this Committee, but I am very focused on, and have to look at, the question of whether we can make small but important aggregated contributions to public safety, and I think that, in a proportionate way, this Bill can.

Q77 **Chair:** Thank you. Mr Kennedy, would you like to say about the current situation and how the Bill might impact on that?

Shaun Kennedy: Yes. First of all, the industry feels that it is extremely important to receive the mandate. Quite often, other influences affect the very nature or competence of the security a premises is likely to receive. That could be high or it could be low, but because it is not mandated, it is quite sporadic. I think the mandate will raise the level of security, raise the level of awareness and also encourage far better collaboration and communication with policing.

Q78 **Chair:** One of our concerns is around the whole industry that might develop around ensuring that all the businesses and organisations that would be covered by this law are compliant. We are concerned that we may end up with lots of people presenting themselves as consultants who know very little. What do you say about that?

Shaun Kennedy: It has already started. It is not developing; it has started, unfortunately. We see it now weekly. We see it from our clients, who forward communications that are forwarded to them by the overnight protect duty experts that appear. There are some significant concerns around that because, first of all—this is a point that I will raise later—there is a lack of qualification around the risk assessment in the Bill. There has to be a qualification or a said competence, because the absence of that drives the current behaviours. People do not need to be



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qualified and people are deemed to be “competent”, which means what? That determines the level of security any given premises will receive. That in itself has facilitated the overnight entrepreneurs.

Q79 Chair: What do we do about it? What does the industry think that we need to do about it?

Shaun Kennedy: The Bill needs to dictate what a “competent person” means. The very risk assessment that determines what level of security a premises should have needs to be accredited, or quite clearly defined, and then the governance model that will follow will remove the entrepreneurialism.

Matt Jukes: Thank you for the question—it is an important one. I certainly would welcome continuity on conversations already under way about what constitutes a competent person. From a counter-terrorism policing perspective, we have developed thoughts on what the qualification might be for those individuals. But before we get to that point, there is a very important area to stress—and you will take evidence from the Home Office later. It is vital that policing and wider parts of Government communicate as much as possible and as clearly as possible, free of charge, to the public so that sector-specific risk assessments and descriptions of threat can be available to the public, who will not need to turn to others for that information. There needs to be as much as possible that is generic—because many of these premises will fall into sets of groups—so that we are making this palpably as easy for those who are responsible for premises as possible, particularly in the standard group. We do that by providing high-quality information that is free at point of access in a timely way.

I have seen security companies offering, on the front page of their website, that you might achieve compliance with this Bill by considering security doors, blast-resistant glazing, bollards and CCTV. I recognise that that is going to be nonsense in the case of almost every premises within the scope of the Bill, although there will be some for which that is absolutely appropriate.

We have to be assertive about that. From a Bill perspective, the more that the regulator or some other mechanism in the Bill can do to secure control over those who purport to be experts, and the more that we can continue to build on our partnership with the Home Office and with the security industry, the better we will prevent that commercialisation of, fundamentally, what is intended to be a life-saving Bill.

Chair: That is very helpful. Tim Loughton.

Q80 Tim Loughton: Mr Jukes, there are 10,000 village halls in England. How many terrorist attacks against any of them have there been in the last 10 years?

Matt Jukes: I am not aware of any, Mr Loughton. I am aware, of course, of attacks that have taken place in a range of crowded places. We have seen marauding incidents—not all of them terrorist—in rural areas as well



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as in urban areas. Perhaps to the point you are making, it becomes very difficult to exclude sections of premises that might fall in scope. There will be justifications for a range.

What I do know, and this might be a bit of common sense rather than evidence, is that the stoic volunteers who run those village halls will be citizens in their communities who, if they spend a little time better understanding the terrorist threat—to Ms Thewliss's point—will contribute overall to the safety of the public.

Q81 Tim Loughton: I may, for example, be the chair of the trustees of the village hall that gets its income from renting out and that has a capacity of greater than 100, and there may be wedding receptions there, or the local model train enthusiasts may have open-days and things like that. Where can I currently go—to the Met, your own department or whatever—to get advice on what precautions I could take on behalf of my users to prepare against any possible terrorist attacks?

Matt Jukes: I would certainly turn to ProtectUK—an app and Government website—and to the material available through the Home Office as your starting point and one-stop shop. ProtectUK is a principal vehicle for that credible, reliable, proportionate advice. You will also find there links to Action Counters Terrorism, a programme—again, free at point of delivery—that takes less than an hour for a general member of the public or someone working in premises to participate in. It carries simple advice about taking people to places of safety and how to communicate. It would allow us, I think, to incorporate the standard template for planning in that village hall, where, already, the committee is concerned with fire safety and can append a conversation about this quite readily. We must make available that information we already do, and we should reinforce it to bring it to bear on this Bill.

Q82 Tim Loughton: There is a lot of good stuff available freely from official sources—freely and for free—so why do we need legislation if that advice is already there? Is it not more a question of education and publication to get people to take notice of it?

Matt Jukes: If I return to my opening comments, the application of that advice, the access to it and the participation with it is already very strong in some sectors, but it is very inconsistent. For example, if I take the night-time economy, it can be a fragile industry. You will talk about the pressures on businesses, of course, but part of that is a high churn of staff. Having measures in place that ensure that new staff have been briefed and have undertaken very proportionate, 45-minute or so training online, in the same way as they will consider the fire safety plan or food hygiene, feels to me to be proper. To your question, Mr Loughton, it is a question for Parliament, in the end, to consider to what extent it wants to enshrine an obligation into a legal duty.

Q83 Tim Loughton: Sure, and that is part of our role now. This Committee has yet to determine its findings, and we are only halfway through this, but I think most of us would agree that greater anti-terrorist training is a



desirable thing. The question is the proportionality of what is being proposed in this legislation and whether legislation is required at all or whether the legislation is required to be as encompassing as it is, involving at least 300,000 properties, prospectively. Many of those properties will be like my village hall, for whom there is no evidence—as we heard from the independent examiner just now—of a higher risk, who exist on a shoestring and volunteers, and who do not exist as a commercial enterprise, where it is their business model to have as many people as possible crammed into a space for an event or an activity—as in the hospitality industry or whatever—but who are just laying on some quite good, low-risk, low-level community stuff.

If I have to become the responsible person, the legal liabilities on me could be considerable. If I have to find, out of our very limited funding, additional funding for all this training—as you said, a lot of it is available for free—and I potentially have to make adaptations to my village hall to comply with what is deemed to be good anti-terrorist practice, which is yet to be described, because we do not have the regulations to go with this yet, I am probably going to resign, my village hall will be closed and we will lose that facility to the community. Is that a real risk?

Matt Jukes: No. I think that that is catastrophising the situation, Mr Loughton, if I might be direct. I think that the suggestion that this legislation will change the way we live our lives might be overstated. We could all unpack an example of health and safety legislation or data protection legislation that has gone too far. It is important that we are responsible in the application of this legislation and that we work closely with communities to develop the guidance.

I hope they will not mind me saying they have given evidence, but I have just been in a meeting with the Jewish Community Security Trust. It might be in a rural community where there is no synagogue that a community hall or village hall is used by the Jewish community for their place of worship or for a family celebration. We know that the threat to that community is, sadly, enduring.

I absolutely recognise the concerns, Mr Loughton, and I recognise that, done badly—framed badly or implemented badly—this legislation could have some of the consequences that you describe. I do not think that it is a consequence of the Bill at present that those will follow.

Q84 Tim Loughton: The trouble is that we do not know. We do not know the extent of the requirements there are going to be. There will certainly be financial requirements; there may be physical adaptation requirements. We do not know.

The example that you have just given is a personal organisation-based risk. If my village hall regularly hosted events by the Jewish community—which may have a large number of residents locally—additional precautions could be taken. Ultimately, I could say, on behalf of the trustees, that because of the risk involved we would not host an event by the Jewish community. Then we would have all sorts of understandable



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problems about whether we were discriminating. But we could certainly specify that certain risk assessments had to be undertaken by that organisation. The onus is on the organisation that, if it can comply with some risk assessments, it is very welcome to continue using the village hall. If it cannot, it will need to find somewhere else that is more geared up to that.

That is based on targets. When we had witnesses two weeks ago, a fair point was made that, if an MP or a Minister is attending an event there, there may well be a higher risk. Indeed, I am not allowed to use a church hall in my constituency for my surgeries, because of a perception—which I think is wrong—that during term time, when the Brownies are meeting next door, the risk may be too high. That is a decision that they have made; I think that it is wrong, but I do not use that hall any more, and I use elsewhere. They are perfectly at liberty to do that.

However, this Bill places a considerable amount of obligations and liabilities on a structure that we have no evidence has seen any evidence of terrorist activities. If there were a higher-risk group of people or organisations likely to use it, special measures could be taken and, ultimately, we could say, “We cannot cater for you here. Could you please go to this other place that can?” Isn’t that a more proportionate way of looking at this?

Matt Jukes: I am conscious that I must let Mr Kennedy have his moment as well.

Tim Loughton: I will ask him next.

Matt Jukes: Thank you. You point to considerable burdens and so on. That is where we have to check whether that is going to unfold from this. Are these considerable burdens?

If I can wind back, Chair and Mr Loughton, to the opening comments about the threat we face, we face an enduring threat, which we would recognise in terms of its motivation, from what we would call Islamist terrorism. But that is much more one that is not directed but is inspired by and drawing on propaganda from ISIS and from Daesh—lone actors, self-initiated terrorists. A growing part of our casework is concerned with extreme right-wing terrorism, and we have an—again growing—part of our work where the motivation and potential set of targets are mixed, unclear and unstable. We are dealing with people who, in mental health crisis, are searching out violent rhetoric online. Since 2017, we have disrupted 37 late-stage terrorist plots. Ten of the potential targets, I believe, would have fallen within the scope of the Bill—seven in the standard tier and three in the enhanced.

Against the fact that some of those were disrupted in the space we operate in with MI5—I will, if I can, share more with the Committee in relation to the specifics of those events, but not in this open hearing, for reasons that you will understand—the threat that we face is morphing, it is very dispersed, it is harder to see and it is harder to stop. What we



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simply want to see is that the public are consistently equipped to understand that threat and, where they have responsibility for a significant number of people, to take proportionate actions to mitigate the risk that they face.

Q85 Tim Loughton: I think we agree on “proportionate”. I do not think we are agreed on what proportionate amounts to in terms of this Bill.

Matt Jukes: “The devil is in the detail” has been used earlier in the evidence, and I will not revisit it.

Q86 Tim Loughton: And there is no detail, which is why it is very difficult to understand exactly the implications of who is going to be affected by this.

Mr Kennedy, the security industry is obviously going to benefit from this, so you would be in favour of it, wouldn't you?

Shaun Kennedy: Not necessarily. The security industry does not necessarily have to benefit. We have other challenges and interests within the Bill, other than profiteering, to put it bluntly. First of all, competence, awareness and preparedness is absolutely key. This is something that the industry is pushing, and pushing hard, with the skills summit with the Security Industry Authority and with the PPP campaign with the British Security Industry Association—protecting people, property and places. This is something that we have been pushing for a long time, so we would obviously welcome the Bill from that perspective.

Like Matt has referred to, not everything comes with a charge. One of the security industry's interests within the Bill is more training, because the UK security industry has one of the lowest entry thresholds in Europe for training. There is a common assumption that a security guard is trained in counter-terrorism initially, and they are not. A security guard in the UK—a licensed guard—is trained on the basics.

Q87 Tim Loughton: That is all about training people whose job it is to provide and promote security, and I do not think anybody would have a problem with that. We need to make sure that we have better people protecting us, who are better trained and better prepared for the public at large—that is what we expect of our police and other emergency services. But that does not justify my village hall having to comply with a lot of things of which there is no evidence that I am at risk.

Shaun Kennedy: First of all, I reflect on my upbringing in Cumbria. To Mr Fell's point, nothing is likely to happen in Cumbria. One of the most shocking events in my life was Derrick Bird. Would the Bill have prevented Derrick Bird? Not necessarily. Would it, if the community had had more awareness, better communication and better collaboration with policing? Absolutely. Would the community have responded differently? Absolutely.

Recently, we saw Nottingham. Would the Bill have prevented that? Not necessarily. But in terms of the village hall, we can never dismiss any opportunity to increase awareness and safeguard any users of the said village hall.



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Q88 Tim Loughton: Why don't we make it compulsory for every adult citizen in the UK to go on anti-terrorism awareness training?

Shaun Kennedy: That would be a significant undertaking.

Tim Loughton: And?

Shaun Kennedy: There is no "and". I am just stating the obvious. Would that even be possible or feasible in a relative space of time?

Tim Loughton: Do you think that it is a good idea? It achieves what you want to achieve, doesn't it?

Shaun Kennedy: The Bill is specific to venues that host large amounts of people.

Q89 Tim Loughton: Or smaller amounts of people on a very occasional basis. I personally do not have a problem with large venues that, commercially, make their money by attracting large groups of people to enjoy a concert, an event, a culinary experience or whatever it may be. In the same way as compliance with health and safety and fire regulations is a requirement for them to be licensed to carry on their business, there is a case, potentially, for an additional requirement around anti-terrorist legislation, proportionately. That just does not apply to village halls.

And it is not just village halls. What is the requirement on places of worship as well? There are 40,000 places of worship in this country—19,500 are Church of England premises. I asked the officials from the Home Office, first, how many attacks there had been on village halls. They did not know. The answer is zero. I do not think that anybody has come up with a single one. I asked them how many attacks there have been on places of worship, and they said none. That is wrong, because we know that there have been a number of attacks on synagogues and on mosques and, potentially, on Church of England premises—I cannot think of any. However, there is a bigger case for saying that.

Again, this is a big requirement. Who becomes the responsible person? Is it the vicar? Are we putting an extra responsibility on the vicar? Are people then going to stay away because they think they have suddenly become a terrorist target? I want some proportionality on this, where a lot of good sense, a lot of better awareness and better promotion of existing materials to the general public—whether they use a village hall, they help to run a village hall, they live next to a village hall or whatever—seems to solve the problem that you have both identified, without a huge regulatory measure applying to a very substantial number of premises for which the risk assessment is virtually negligible.

Matt Jukes: Very quickly—I am searching to make sure that I get this date right—we sit here today not far from the anniversary of the attack at Finsbury Park mosque. It is worth recognising that places of worship are absolutely, tragically, in the sights of terrorists. There was a reference to the homophobic targeting of a pub in 1999, if I recall correctly. It is very hard to disaggregate a set of premises and find a group that you wish to exclude.



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I can see that, for those run by volunteers, there are particular concerns about proportionality and the way we act as a security community—if I put this in that context—working with industry partners and with Government. The way that we enact this legislation must be responsible and have regard to that.

Our communities are safer because we are involved in communal activity. We do not want to do anything that shuts that down. I agree absolutely with the independent reviewer in this respect. It is our business to ensure that terrorism does not change the way that we live our lives, but that intent alone cannot remove the threat from the daily experience of people around the world and, tragically, the experience every year of people in the UK.

To your point about what if it was everybody, I am not going to go down the route—the mischief—of saying that that sounds like a very good amendment and I look forward to it. But I would like every citizen who feels that they can contribute to engage with that material—of course, I would.

To the point on proportionality, we strike a balance here by asking who it is who might be most capable of making a difference. All boats will rise on that tide. The more people who have security-minded approaches, the more we will see that, without turning this into a set of communities that are anxious and alarmed but are more alert.

Q90 Alison Thewliss: I want to ask a bit more about the things that are not quite in scope of the Bill, and whether you feel that there is an argument to make them in scope of the Bill. For example, in the city of Glasgow, you might have a road race running through the city that attracts a large number of people in the assembly and the end point. If I read this correctly, I do not think that would necessarily be in scope of the Bill. You might also have large public events or seasonal events in George Square, which would not quite be in scope of the Bill. Do you have any views on that?

Shaun Kennedy: Such events attract a lot of attention. They attract media attention and significant numbers of people. I personally, and the industry, would like to see them included in the Bill, because they would be prime targets. By default, the average terrorist would test a location and they would go for the weakest possible link. That is why preparedness, alertness and visibility are quite key for us within the industry to push and promote.

Matt Jukes: I absolutely agree. Having plans in place that are appropriately communicated to the public if necessary—where tens of thousands of the public are attending—and in ways that are proportionate seems absolutely right and, again, that should be consistently available.

It goes to the point about aggregation of small venues. What do we do with Borough Market and with Christmas markets? Sometimes those are operated by an operator and they might fall—there is a moot point



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around some of these spaces—within scope. I do think that we should wrestle in the next phase—whether it is as the Bill passes, hopefully, or subsequent to this Bill—with events and aggregation of spaces. There will often be some kind of glue between those different smaller organisations—business improvement districts, local authority licensing regimes. There may be a way of identifying something that coheres that group.

I appreciate that we should focus on evidence as much as possible, and Borough Market is an example that we should return to. The steps taken—some of them out of instinct—made a real contribution. We see—again, this was true in Boston—secondary devices used, and that is something that the IRA did extensively. Having an understanding about how you will evacuate a space, for example, is critical to public safety in major events.

Q91 **Alison Thewliss:** That makes sense. In terms of things like processions through the city, in Scotland—I don't know if this is the case in the rest of the UK—you have to apply for a processions licence, which the council would assess. Would it make sense to encompass within that type of licensing regime training and responsibility for dealing with something like a terrorist attack? Obviously, processions will be stewarded with an appropriate number of stewards, but there would be further information for those people.

Matt Jukes: That is absolutely worthy of consideration. For many major events—tragically, we know that it will not have operated effectively in all cases—that co-operation is already very strong. For marches, processions and ceremonial events, the likes of which we have seen in the last 12 months across the country, that co-operation and collaboration is very strong and, probably in the case of those biggest events, does not require underpinning by legislation.

But there are so many events—hundreds or thousands—that might present a target. One thing that we have to be realistic about is that we know from our casework that the biggest venues are sometimes the best protected, and that deflects to smaller premises. Part of the reason for us wanting to have this next tier—this is one of the most awful cases I have dealt with—is the murder of Sir David Amess. We know that the individual who had sought to murder an MP, and did, had come to Parliament, seen the physical security there and had gone to a church hall instead.

I would welcome continuing to focus on the major premises/sites events, but terrorists who are determined will find a target. They will find that in places that we have not contemplated. Of course, we have done an enormous amount of work to try to reinforce the security of Members of Parliament since that incident and since the murder of Jo Cox as well.

I make the point simply to say that you are absolutely right and we also need to make sure that we are clear-eyed that there is displacement from the major target to the minor, and to have that in view.



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Q92 Alison Thewliss: How commonplace is training at the moment, and awareness of that? I mentioned that some years ago, when I was working in a retail premises, we would occasionally have training—"A bomb threat has been phoned in. What do you do?" How commonplace is that kind of thing in these types of venues at the moment? Is that quite rare?

Shaun Kennedy: The larger venues are typically well versed with their core team. Obviously, any event attracts a large number of casual workers. They are the lesser trained, but certainly the core teams at the larger venues are typically well versed. But they are hugely outnumbered by the casuals and infrequent workers, who have significantly less life experience and training.

Matt Jukes: We can provide some evidence to the Committee about the use of the ProtectUK and Action Counters Terrorism websites and apps. On Action Counters Terrorism packages, we have 600,000 users, and 22,000 e-learning sessions have taken place. So a large cohort of people have accessed this training, but in a relatively unstable industry, where people move through their roles, there is a necessity to repeat and reinforce that. In the same way that food hygiene or fire safety are part of induction, the opportunity here is to make the same true for proportionate preparation around terrorism.

Shaun Kennedy: If I can pop in and add a further point on that, over the last 12 months or so, the security industry has seen a significant resourcing issue. The resourcing issues dilute training, dilute competence and dilute effectiveness.

Q93 Alison Thewliss: Thank you. In some of the findings from the Manchester Arena attack, the security industry came in for some criticism. I do not intend to rehash that, but what more needs to be done? It is a low-paid job, a relatively low-entry-level job. As you mentioned, there is lots of turnover and lots of churn. How do you go about creating a security industry that has that level of responsibility and accountability? If you are in a very low-paid job, it is not going to be your problem in a lot of cases.

Shaun Kennedy: There are a number of contributing factors, again, which the industry is trying to fight against. One that I have already mentioned is the very low education threshold into the UK security industry. Secondly, it is the procurement behaviour around the economics—typically, buying the cheapest and paying the cheapest. That is terrible in the UK. Having expertise across Europe, I can certainly see a negative comparison in the UK.

Then, there is the training itself. The training that we provide to stewards and guards in the UK is relatively poor. The Security Industry Authority in the UK are working with the industry to try to improve that, of course, as is the BSIA, but it will take time, and it will not be mandated, whereas the Bill encourages action.

This goes back to my point that the initial risk assessment is so key. If



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the risk assessment is not defined to a specific standard, you could do a risk assessment and I could do a risk assessment, and there could be two totally different solutions, two totally different security recommendations and two different total standards. That is the huge problem that we have in the UK at the moment.

Q94 **Alison Thewliss:** Do you think that should be defined within the Bill or within regulations?

Shaun Kennedy: Absolutely. There should be a standard on training, the required training, and a standard on the risk assessment, which determines the security solution or—to the village hall perspective—the advice.

Q95 **Chair:** Where in Europe has a security industry that you think is very good and that we should be looking to emulate?

Shaun Kennedy: I think the Nordics have extremely good training standards, the Netherlands, Belgium. If you look at the average intake time for a trained guard, it is anywhere from six months to 12 months. The UK is five days—in five days, you get your licence and you are in, obviously subject to BS7858 vetting and so on, but the difference is huge. Even in some of the smaller eastern European countries with economic challenges, the training is better at entry level.

Q96 **Chair:** Why are we not very good at this?

Shaun Kennedy: Next question.

Chair: It comes down to money, does it?

Shaun Kennedy: It is mandated training. It is not the industry that determines what is mandated, but by default, over a long period of time, the procured security evolves around the pay rate rather than the competence of the individual. This is where service and expertise is challenged in the event of an incident or accident.

Q97 **Simon Fell:** Data protection keeps coming up again and again. In my last job I spent a lot of time in that world. At a very high level we used to talk about the seven principles of data protection. This is very simple: seven high-level principles, and as long as you can follow them, you are fine—you are flying. Of course, what happened was a huge industry was built up around trying to get to compliance and trying to understand whether what you were doing met that standard, whether it gave you the legal protections against anyone who may want to come back on you and whether your own security was sufficient.

We have heard concerns in previous evidence sessions—you mentioned them yourself, Mr Jukes—around people trying to sell a package that would get you over the line and help you to meet the standard, when we do not know quite what that standard is yet. I am really interested to hear from you both what you think “good” will look like in this space for Mr Loughton’s village halls and for venues of around 100 participants? What do you think a decent level of preparedness will look like for them,



and what do you think the impact on those organisations will be?

Matt Jukes: We are under way with articulating that in the guidance that has been drafted, and we would welcome the opportunity to participate in further drafting of the guidance for the standard evaluation. At present, “good” would look like a plan to warn people if an attack was taking place, to lock down premises if that were necessary and to evacuate premises. It would be a plan setting out how to contact the emergency services and get the information that is necessary; the availability of appropriate first aid and fire safety equipment, which is likely to be the equipment that is necessary there anyway; and how you might make your neighbours or the local area aware of an attack if it was under way.

You can list a set of six tasks quite quickly. I appreciate that those are little like your seven principles, Mr Fell, in data protection. Now work that through to consequence in a way that is proportionate. I am loth to try to unpick one particular example, whatever the premises, but I can see that you could incorporate quite a lot of your preparedness for wider fire safety or health and safety alongside this, and this will annex to that work. It could end up being that laminate poster on the wall that describes the steps that you need to take. It could be that quick briefing to those who are organising events or to staff as they are inducted. It could be participation with the online training. Those are the kinds of steps involved—long before you get to blast-proof glazing and bollards—those things are important in a very, very few premises. It is those steps that are proportionate.

I do not want to rehearse evidence that I have already given, but we are all aware of the snake oil salesman, and I do not want them to profiteer off the tragedies that it has been my duty to investigate, to oversee and to lead people through. I do not want to see that as an opportunity for people to profiteer. One thing we would want to do, and which I would personally want to contribute to, is to connect as much as we can with those sectors that are going to be affected by this legislation and to be very explicit that there will be those who come to sell snake oil and that people have other places to turn—they have good Government sources of advice that are free at point of contact, where what “good” looks like will hopefully be as explicit as it can be for individual sectors.

Q98 **Simon Fell:** Thank you. That is really helpful. I will come to you, Mr Kennedy, but let me follow that thought. To your mind, for the village hall, hopefully there will be a source of information from the regulator that they can draw from, and they do not have to buy an external package of measures to supplement that. That should be enough to give them the resilience that they need.

Matt Jukes: Yes, I believe that, in the vast majority of cases, those six simple steps will be able to be discharged with broadly generic plans, which are obviously specified to the premises but which will be very close to the other arrangements that they need to make. We should make sure that the regulator, Government, policing communicates through. We have 200 counter-terrorism security advisers. We will have to amplify their



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effect by focusing them on the largest premises, but ensuring that their expertise contributes to the guidance that is available.

Simon Fell: That is really helpful. Thank you. Mr Kennedy.

Shaun Kennedy: I do not want to say too much more than what Matt has already said, because I agree with the six-stage plan. In terms of the difference for me in what “good” looks like, in the village hall scenario, I like the idea of the laminate on the wall. Maybe there could be an annual assessment of the village hall board just to review and discuss, and something could be given to anybody who hires the village hall to create situational awareness on the day.

At the other extreme, a significant events venue or an event in the middle of Glasgow, for example, needs to be subject to rehearsal of the protocols in place—full-blown situational awareness, shared risks assessments and rehearsal of the emergency plans.

Q99 **Simon Fell:** Stepping back from this, what terrorist protection training is already available? If I was administering the Grizebeck village hall in Cumbria—

Shaun Kennedy: Nice place.

Simon Fell: Thank you very much—I knew I would bring Cumbria back into it. If I was administering it, where could they turn to for support at the moment? What more is available to them?

Matt Jukes: I would go to ProtectUK and download the app to Action Counters Terrorism, which is a Government website, and you will easily find those links. Again, it is our duty to make sure that those are communicated very plainly. One of the opportunities for us—and here I sit alongside a representative the Security Industry Association—is that the amplification of a lot of what we do comes through industry associations and, alongside industry associations, voluntary organisations. If I take scouting as an example, we have a small number of people who can develop direct relationships, but they can develop direct relationships that can be magnified because they can go through those organisations.

Shaun Kennedy: Outside of that, the SIA released training that is available online in 2021. That is called ACT training, which is specifically linked to counter-terrorism awareness.

Q100 **Simon Fell:** We have touched on some of this already but, in terms of basing the approach on risk, in the draft legislation we seem to have taken the approach that it is based on numbers rather than potential targets or risks. We have heard concerns in evidence from certain groups who think that they have a higher risk of attack and are potentially more exposed than others. Do you think that the legislation is approaching this in the right way?

Matt Jukes: Notwithstanding the commentary about creating a universal



duty, which is beyond the scope of this legislation and was not, in the end, attractive to those who drafted it, it is a cogent starting point. Then we need to work away at sector-specific advice and make more of that, or as much of it as we can, available—sorry, Mr Fell, I am trying to be more direct in this respect. We are talking about a piece of legislation that is intended to reduce the harm caused by terrorism. If there are more people in a premises, that harm will be greater. So it is absolutely cogent to set a level where you think you could intervene, with an organisation that has the competence and where the risk is present that a significant number of people will be harmed. We know—and you heard evidence from the independent reviewer—that that same violence can be directed at an individual on the street. This legislation is not directly intended to mitigate that, but I think it will contribute to security-minded vigilance among a wider group of the population.

Could this legislation deal with cohorts of premises or sectors more directly and further enhance our expectation there? Those might be questions for the regulator and for guidance. Going back to an answer I gave earlier, increasingly, we are seeing a very mixed, unclear and unstable group of terrorist subjects of interest. It is not as easy as it once was, to be specific about the sectors that are most at risk. But, clearly, we have seen attacks on the night-time economy and we have seen attacks on transport infrastructure but, broadly speaking, crowded places come in very many forms.

Q101 **Simon Fell:** In your view, this could change over time?

Matt Jukes: I believe it could, and one of the things that I know that this Committee is considering is what would be the improvements or amendments to this legislation. It was touched on by the independent reviewer, who might demur from carrying that responsibility himself, but I think that a regular periodic review to do the proportionality test—which has been amplified in several sessions here—to check whether this legislation is operating as it is intended, and to challenge whether it should be either more specific or more general in any of its application, is very worthwhile.

Q102 **Simon Fell:** Just on the regulator, do you have any concerns about the enforcement powers that are proposed to sit with the regulator at the moment? Would you like there to be any more? Do you think that that role should be adapted or changed in any way?

Matt Jukes: I do not know whether Shaun wants to say anything on this point, but I would say that our real goal here is to achieve greater consistency in the awareness of, and the application of that awareness to, planning. It is not to see organisations punished for their compliance with a piece of legislation. After reflection, I believe that it is necessary for Government to express that in a form of legislation to go past that general sense of obligation, but I do not think that any of us who are involved—including those inspirational campaigners—intend to see this as a mechanism to punish businesses.



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I was hopeful when I read some of the outline of how the regulator might operate that we will see things like intervention, support, guidance, improvement notices. That is why I am pleased that we move away from the idea that that would be a law enforcement body like policing in the regulatory role and that it would, rather, be some organisation much better suited to carrying out that tiered intervention, which is principally about improvement.

Shaun Kennedy: From my perspective, again this is not about seeing people punished or seeing recourse to any of the smaller businesses or even the larger businesses. I had a little concern over the 5%. There was a notion that 5% of the assessments would be scrutinised or audited. The industry would like to see a larger percentage initially, just to have that dip test and that good feel, because that will lead to evolution and stronger confidence. The introduction of a mandate needs to see a stronger presence at the start and a stronger audit and governance process to drive the message and improve the standards that we are trying to raise.

Q103 **Simon Fell:** One very last question. As industry, do you have a view as to where the regulator should sit?

Shaun Kennedy: Not particularly, no. We have regulators within the Security Industry Authority, but there are no views from this perspective.

Q104 **Chair:** The HSE? Would that be an appropriate regulator?

Shaun Kennedy: Would they have capability?

Chair: Thank you, both, for your evidence this morning. That has been very helpful to our deliberations and we will be responding to the Government in due course. Thank you again for your time.

Examination of witnesses

Witnesses: Tom Tugendhat and Shaun Hipgrave.

Q105 **Chair:** Welcome to our two witnesses for panel three. Minister, would you like to introduce yourself for the purposes of the record?

Tom Tugendhat: I am Tom Tugendhat, the Security Minister.

Chair: Mr Hipgrave.

Shaun Hipgrave: I am Shaun Hipgrave. I am the Director of Protect and Prepare in the Homeland Security Group in the Home Office—two of the four Ps of the counter-terrorism strategy.

Q106 **Chair:** Minister, there seems to be a bit of confusion about what this Bill is about, so perhaps you would like to put your view forward. Is it about preventing or dealing with the aftermath of terrorist attacks?

Tom Tugendhat: This is really about prevention. This is about planning; it is about making sure that people have thought about what might happen and taking appropriate steps, depending on where they are, what



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size their venue is and so on, to make sure that we are as resilient as we can be as a country and as communities across it, and to make sure that we are providing as difficult a target as we can for any terrorist incident and that, should one, sadly, occur, we are ready to respond.

Of course, this is not happening in a vacuum. You heard the assistant commissioner speaking about the murder of our former colleague, David Amess. Of course, only last week it was the seventh anniversary of when our friend, Jo Cox, was murdered, and it is only six years ago that the Finsbury Park attack occurred. We are now, I think, on the third anniversary of the terrorist incident in Reading. Sadly, although these are, thank God, infrequent events, they do happen all too often.

Q107 **Chair:** Does it worry you that the reviewer of terrorism legislation was saying that he is not quite sure what the Bill does?

Tom Tugendhat: I think the job of the reviewer of terrorism legislation is to review it and to challenge, and this is part of the discursive phase of it. We are very much looking at listening to him and of course listening to you—that is why I am very pleased to be here today—to make sure that we get this Bill right. If I have failed to communicate that properly to Jonathan Hall, I am very happy to clarify. The whole point of this Bill is to have appropriate responses and preparations to respond to the challenges we all face.

Q108 **Chair:** In his evidence to us in the first session, he also went through the list of terrorist attacks that had taken place since the 1990s, and was able to go through and highlight where this Bill would have impacted on what happened. There were only one or two of the number that he went through where he said the legislation would have had any effect.

Tom Tugendhat: I hear that point, Dame Diana, and I understand it. I am just not sure that, if I were a relative of one of those one or two, I would see it as a reason not to act. I think I would see it as a reason to act.

One of the points that we should also be considering is that, when we look at terrorist incidents—quite rightly, we focus on the events and where people were killed or injured and how individuals responded in that immediate circumstance—we very often do not look, as the assistant commissioner does, at the buildings nearby, at the response of people nearby and at where things did not happen.

For example, if you look at Borough Market, there was a very quick response from some people to close doors, lock doors and get people out through safe exits and safe routes, and staff who were brilliant. Others, for various reasons, did not have that opportunity. I do not wish to blame anybody, but those different responses, for reasons often not down to anybody's fault, led to different outcomes and, sadly, people getting hurt when they might not have been.

That is why this preparedness may, in some ways, not always be noticed—in fact, in the best circumstances, it will not be—because the



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circumstances in which it is put in place lead to events not happening, injuries not occurring and newspaper reports not being written and that, of course, is what we are looking for.

Chair: Today we are probing, and we want to know how this draft legislation will work and that it will do what we want it to do. I am just asking you these questions because concerns have been raised.

Tom Tugendhat: I welcome that. The point of this challenge is that we wish to make sure that this is as good as it can be, and your scrutiny is important.

Q109 **Chair:** Just one other thing, and then I am going to bring Tim Loughton in. An issue that has been raised with us a number of times is proportionality, particularly around small venues.

I think we all accept—from the recommendations that came out of the Manchester terrorist attack—that, in terms of proportionality, it is right, correct and proper that large venues have plans in place. As we understand it, however, there was no recommendation for small venues.

Tom Tugendhat: That report needs to be looked at for what it was. First, it was a very impressive piece of work by a very dedicated public servant into an incident that took place at a particular venue at a particular time, and we should pay huge tribute to the author for the work, to the committee that they brought together and, if I may, to the evidence and courage of those who gave evidence, many of whom, sadly, had either lost family or were victims in the incident. We should be very grateful for that effort.

However, that inquiry was looking at a particular circumstance. Quite rightly, we did not ask it to look at high streets, villages or smaller venues, because that was not relevant to that inquiry. So I don't think we should be surprised that no comments were made about other areas. I would think that that was reasonable; that was literally what we asked them to do.

I do think that it is the job of Government—I know you agree—to look beyond a report and at where our responsibilities may lie in other areas. Here, we have been listening to many people, not least the police and security professionals, but particularly, in my case, to Figen Murray and Brendan Cox, two individuals who I know you know very well—Figen gave some very powerful evidence, I think, to your Committee. They have set out a very reasonable understanding of where responsibility for preparedness lies.

Nobody is challenging in any way the fact that the responsibility for these heinous acts lies ultimately with those who chose to commit them. There is no question that the only person responsible for a terrorist act is the terrorist. But that does not mean that we do not all have some form of responsibility for preparedness and forward thinking, and that is what Figen Murray set forward in her statement to you and in her evidence to me in conversations over recent months. She has been a very powerful



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advocate—to me anyway—for how we can take reasonable steps. That is why we have looked at this in a way, I think, that is proportionate. We have looked at a standard tier, which has a very low impact, and I will ask Shaun to speak to that.

Q110 **Chair:** And we will come to this, but I do want to give other Members an opportunity to ask questions. I absolutely endorse what you have said about the inspirational campaigning on this issue, but I think we are still lacking the evidence base; that is what the impact assessment is lacking—an evidence base for the smaller venues.

Tom Tugendhat: May I cite a few of them? I have already cited Borough Market, and we all saw how in Goldsmiths Hall a few years ago—forgive me, the date does not leap into my mind—some individuals on London Bridge took an extraordinarily courageous decision to fight back. Indeed, if you look further back, there were the events in the Giraffe restaurant in Exeter, or the various incidents that have happened around the country at moments when we were not expecting them. Incidents have escalated very rapidly, and we have had to respond. So I think there are indications of this having happened. The one that is the most clear in my mind is an incident that happened in a village hall—a church hall—in the city of Southend, where our colleague David Amess was murdered.

Chair: At this point, I will bring Tim Loughton in because I think he will want to pursue this. *[Interruption.]* Sorry, Mr Hipgrave, did you want to say something?

Shaun Hipgrave: Chair, in a previous question you reflected on the last 23 years of terrorism. Matt Jukes explained that the threat has changed over the last 23 years. In the last six years, we have seen the threat change to self-inspired terrorists, where we are unable to discern which location that terrorist will attack. This is why the legislation is being brought in now. It reflects the current threat and the threats we are expecting to see, so that is very different from the directed attacks in 2001 and 2007. That is why the locations are so much more dispersed.

Chair: Okay. Thank you.

Q111 **Tim Loughton:** Minister, I do not think any of us would underplay the extraordinary bravery and dedication of Figen Murray and the need to improve facilities, training and safeguards at large venues such as the Manchester Arena, as the inquiry revealed. That is not in question. It is a question of proportionality and effectiveness. To quote from the independent examiner earlier, who said, referring to the Bill: “In cold, hard reality, there is no evidence...that this would make a difference.” This is turning out to be another Dangerous Dogs Act, isn’t it?

Tom Tugendhat: No, I do not accept that. I do not accept his analysis, although I think his is an extremely impressive reviewer of terrorist legislation. This is a different area. What we are looking at here is not terrorist legislation. We are looking at planning and preparedness for a potential terrorist incident, and that is a slightly different area. While I



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hugely respect his skill as a lawyer, this is a different question; it is a security question rather than a legal one.

Let me touch on why I think this is proportionate. I think your challenge is completely right, Mr Loughton, and I do not in any way criticise you for raising it. Making sure legislation is proportionate, so that we do not close down community groups or accidentally force volunteer organisations out of business and prevent them from serving the community, is not only an important thing to do for the benefit of that particular group, but it is important for the security of the community. As we know, community coherence is the fundamental building block of national security, so I think your points are not just valid but incredibly important. So let me tell you, if I may, why I think this is proportionate.

First, as Shaun put it, we simply do not know where the next incident might happen. There was a time—there really was a time—when we had what used to be known as spectaculars, which were orchestrated by the IRA—for example, in Bishopsgate—and by al-Qaeda, ISIS and so on. Those events were orchestrated to target venues that you thought you knew. They were the sort of incidents that were designed to change Government policy in a very radical way by killing, sometimes, hundreds of people.

What we are seeing today, due to the brilliance of our intelligence professionals and some amazing co-operation with partners, is that that ability to orchestrate is hugely diminished—it has not gone away, but it is hugely diminished. That means that what we are seeing is individual actors trying to exploit targets of opportunity. They are looking for that moment when there is a weakness, when there is a chance.

Very sadly, we are also often dealing with individuals who have mental health issues and are not always thinking as rationally as you might. You may say, for example, “Why would a church be targeted—to your earlier point—rather than a Jewish group?” Well, you could have asked the same question in the north of France only a few years ago, when a priest was murdered in his church by a very troubled individual, who had inspired himself to radicalism online, and his act of terrorism was seeking to change the policies of the French state. Thank God that we have not seen that level of brutality in the United Kingdom, but I do think we should learn from partners and friends around Europe and listen to others to make sure that we are taking on the lessons that come.

Q112 Tim Loughton: Can I come back? You have just made the point that that has not happened here, but that does not mean that it is never going to happen here. We could have major measures through legislation and regulatory requirements. For example, I suggested to the previous witnesses that the case they were making was to suggest that there should be mandatory anti-terrorist training for every adult citizen of the United Kingdom. Why not? Why not smaller premises? Why the thresholds of 100 and 800? From what you have just described, individuals who do not have a rational approach will just as easily decide to target a private house and kill the residents.



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Where we can make provision that is proportionate, it surely is based on two things. One is the density of those attending, because, certainly, those who have a “political terrorist cause” aim to achieve maximum impact, maximum publicity and maximum disruption, and you tend to be able to do that when you have a large number of people there—hence the bomb at the Manchester Arena.

Secondly, terrorism is targeted not at premises but at a higher-risk individual, be it our former parliamentary colleagues, a synagogue or a mosque, or a group of people who may or may not be in a building. That is what makes it proportionate, but everything that you have said so far basically says that everybody should have to go through some form of training. Our problem on this Committee is the threshold that you have set—regulation and legislation becoming a requirement—rather than us using common sense and what is already out there but promoting it better and more widely.

Tom Tugendhat: May I come back to you on that, because I take your point? This is the same one that I was going to come to. Your point about proportionality is exactly the right one. As you rightly say, you could legislate for everybody to take some form of mandatory training. I do not think that would be proportionate. I think what we have set forward is a proportionate response. Let’s look at it.

First, the standard tier only applies in a building of over 100 people. This is designed to align with the HSE, the Health and Safety Executive, and it is the understanding that many venues and many people have—that if you are over 100 people but below 800, that is a category, and if you are over 800, that is another category. These are categories that people already understand. First, therefore, I think that is clear.

The second point is that, when we talk about proportionality, the standard tier requires venues to use a Government website, ProtectUK, which incurs no cost except time—I accept that time is limited for all of us, but there is no outlay of payments and the cost is entirely in time. It requires the application of a thought process and reasonableness, but it does not require any outside expertise. It should not require any extra cost. It certainly does not demand security requirements such as search tools, metal detectors or anything like that. It is talking about using a proportionate response and thinking through the incidents.

The enhanced tier is where I think you and I would agree more easily. It requires the application of the types of measures that already apply in many cases. The notional cost, which is around £8,000, is largely considered in the existing measures that are already taken by large venues, so it is really a requirement to do what many people are already doing.

Q113 **Tim Loughton:** I think the total cost for the enhanced tier is above £8,000, isn’t it?

Tom Tugendhat: We estimate it to be a little over £8,000.

Shaun Hipgrave: Per year over 10 years.



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Q114 **Tim Loughton:** Right, so it is £82,000 over 10 years, isn't it?

Tom Tugendhat: Yes, £8,000 a year.

Q115 **Tim Loughton:** Yes, and for smaller premises, £2,160 over 10 years?

Shaun Hipgrave: That is correct; just over £200 per year, notional cost.

Tom Tugendhat: That is a notional cost, not a payment. That is the notional cost of somebody's time.

Q116 **Tim Loughton:** It doesn't matter if it is notional or whether you are handing over filthy lucre now; it is a cost to an organisation, to which that might represent a large amount of money. However, there are two differences. You have indicated that this is all for free, but it is not, is it? Because there is that notional cost, which will be a real cost for those premises that will now be covered, which your own assessment estimates. Secondly, there is a responsible person liability requirement on somebody who will have to step forward and who can take on liabilities. Thirdly, there may be an insurance element now impacting the insurance premium to cover those premises. Fourthly, we do not know, because of a lack of detail about what goes with this Bill, but it may lead to the regulator requiring adaptations to be made to certain establishments, which then becomes rather costly. We don't know. So it is slightly disingenuous, isn't it, to say, "Well, you will do all this for free. It's just a good idea"?

Tom Tugendhat: I am afraid I think you are gilding the lily somewhat. As you will know, we already require churches to have somebody responsible for safeguarding. We already have somebody responsible for health and safety work. I do not know about your village halls, but I can tell you that, in the one in my village, which is run by volunteers, the number of people who give time is fantastic, and the extraordinary generosity of individuals in our community—

Q117 **Tim Loughton:** Okay, but to come back specifically on that, there is a safeguarding requirement for people who work within the church because of a number of very high-profile cases where children have been abused by people working in the church. That is why we all have to have security checks. There are no instances of any terrorist attacks against village halls, to come back to that subject, so you are making an entirely different risk-based assessment.

Tom Tugendhat: Forgive me, but I believe David Amess was murdered in a village hall.

Q118 **Tim Loughton:** Did that village hall—the office he was in—take more than 100 people?

Tom Tugendhat: I have not looked at the detail.

Q119 **Tim Loughton:** Those premises might not have been covered by your legislation, so it is irrelevant, isn't it?

Tom Tugendhat: You just said village halls—



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Q120 **Tim Loughton:** Jo Cox was murdered outside a library. Would this legislation have applied to her?

Tom Tugendhat: Mr Loughton, your ability to predict the actions of terrorists is clearly greater than mine.

Tim Loughton: No. You are trying to use historic events to justify your legislation. I am questioning whether those historic events are relevant to the legislation, and I don't think that they are.

Tom Tugendhat: Okay. We disagree.

Q121 **Tim Loughton:** It is a factual thing. Jo Cox was killed in the street outside a library. Would she have been covered by this legislation?

Tom Tugendhat: And it is a factual thing that David Amess was murdered in a village hall.

Q122 **Tim Loughton:** Which may or may not have taken more than 100 people—I don't know that. It also comes back to the two targets for which a proportionate response would be appropriate: numbers and the risk to an individual—an MP in this case—or an organisation, which could be covered differently, without a requirement based on bricks and mortar, such as village halls.

Tom Tugendhat: I think this is a proportionate response. I have to say that, given that the first limit is 100, anything less than 100 is not covered by this legislation at all, which I think makes it clear that the smallest of venues are not concerned.

Secondly, I think that the standard tier—which requires only foresight and preparation, no costly measures, and a few hours of somebody's time to make sure that they have done the preparation—is a reasonable requirement. When we talk to businesses, seven out of 10 of them are supportive of the legislation, so this is not seen as onerous by businesses. Indeed, Figen Murray has done work, as I am sure she has told you, in areas around Manchester, where businesses have been applying many of the requirements that she is recommending here and that we are introducing.

Q123 **Tim Loughton:** I am less concerned about that, because, clearly, for large venues such as the Manchester Arena or those businesses that make their money out of holding large occasions, concerts or culinary occasions, it is part of their business plan and it is an additional requirement on top of health and safety, food safety and all that sort of thing.

I do not have a particular problem with that. My problem is about the proportionality for venues—bricks-and-mortar venues. As you said and as you know well, the 10,000 villages in England are a good case of where there is absolutely no evidential base, where the financial consideration can have a material impact, where the liability responsibilities on a named individual might deter anybody from coming forward and where the legislation will have a material impact. That is where I am trying to



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draw the distinction. If you are concerned about big commercial businesses, why does this legislation not cover open-air markets or open-air concerts?

Tom Tugendhat: Forgive me. Figen Murray's work in Manchester was not just on large businesses but on the smaller ones in the standard tier. I should just be clear about that. That is what I was referring to. I was not referring to large businesses in the seven out of 10; I was referring to all businesses in the seven out of 10, including those that are covered by the standard tier. Forgive me, Shaun, you wanted to come in on something.

Shaun Hipgrave: Mr Loughton, on the 100 and the 800 and how we got to those numbers, it was by working through the public consultation and with our intelligence partners. You heard from Mr Jukes that 10 out of the recent 37 disruptive attacks would have been in a Martyn's Law tier—seven standard and three enhanced. We have worked with our analysis and insight experts to come up with those numbers. We put several different numbers to Ministers and, because of the proportionality that Ministers demanded, the 100 and the 800 are the ones in the proposed draft legislation.

You mentioned two other points, Mr Loughton. On the liability point, the draft of the legislation is not intended to put any personal liability on any single person in the standard tier. That was not the intention of the draft legislator. If that is not clear, that is something that we would look at.

Q124 **Tim Loughton:** Who is the responsible person?

Shaun Hipgrave: In the standard tier, similar to how you have a fire marshal or a health and safety person, there is a person whose job it is to look at the standard terrorism evaluation guidance, which has been provided free for all standard-tier organisations, and to look at the 6-point tasks.

Q125 **Tim Loughton:** If they don't do it, what happens to them?

Shaun Hipgrave: There is no intention in the legislation that they are personally liable for any damages or any response to that terrorist attack. If we have drafted the legislation in a way that does not make that clear, that is something that we would take back—

Q126 **Tim Loughton:** Who is liable?

Shaun Hipgrave: The terrorist.

Tim Loughton: No. Who is liable who has the responsibility for the village hall, if they do not undertake these new regulations? Who gets prosecuted for not complying with the legislation?

Shaun Hipgrave: In accordance with the advice we have given to the regulator, this is very much around advice, support and guidance. There is a long way to go before anyone is going to be fined in the standard tier. There will be advice orders and compulsory orders—



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Q127 **Tim Loughton:** Issued against whom?

Shaun Hipgrave: Against the organisation.

Q128 **Tim Loughton:** A village hall is typically a charity, run by voluntary trustees with a chair of the trustees—me, for example—and I am likely to be nominated to be the responsible person. So I am the one who would suffer a penalty for not complying.

Shaun Hipgrave: In our real world, we do not expect that you or the trustees would be absolutely refusing to support the guidance.

Q129 **Tim Loughton:** Why not? I cannot afford to do it. We live on a shoestring. We might have to close our village hall. How do you know that people are going to comply with it?

Shaun Hipgrave: From public consultation. We did a public consultation and we have engaged hugely with thousands of businesses and all the trade associations representing them. Overwhelmingly, they supported this legislation. Even in the first hearing, there has been no one who has not supported this legislation. They have asked for more clarity and more understanding about the regulator.

Q130 **Tim Loughton:** We all want more clarity, and we haven't got any clarity from that answer at all, because you are saying, "Oh, it will never come to that," but actually it could and I could be the one—as chair of the trustees of a village hall—who would end up being prosecuted in some way for non-compliance. That is the case, isn't it? You started by saying there is no intention to inflict any penalties on the responsible person. Well, of course there is—otherwise, the law would not work.

Shaun Hipgrave: It is absolutely right that we have compliance and a regulator, but the intention of that is to provide advice, guidance and support first. The first thing that we would be saying if we were working with you and your village hall is, "Here are the reasonable, practicable steps that you should be taking, which do not cost any money and will require someone to go on an app for training."

Q131 **Tim Loughton:** I think you are evading the question. The point is that somebody can be prosecuted at the end of it if they do not go along with this because they cannot or will not for whatever reason. My other question is, why have you not included open-air venues?

Shaun Hipgrave: We have tried to create legislation that is simple to follow, which is why we put in the capacity scope, but also to allow it to be very clear about who is going to be under the legislation. It is very difficult to drive any legislative wording around open-air events where there are no boundaries. For example, the Leeds and Reading festivals, where they create a boundary and you need express permission to go in, come under the legislation.

Q132 **Tim Loughton:** So Glastonbury would be covered?

Shaun Hipgrave: Yes.



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Q133 **Tim Loughton:** Will the organisers of Glastonbury have to go through terrorism training?

Shaun Hipgrave: Yes.

Tom Tugendhat: I strongly suspect that they are already doing it.

Q134 **Tim Loughton:** And the organisers of the Christmas markets?

Shaun Hipgrave: It depends on what type of Christmas market. If there is a boundary and express permission to enter, either through payment or by capacity, it would be within the legislation. If it is open-air, like in a normal village or town, it would not.

Q135 **Tim Loughton:** Two specific examples: the open-air Christmas market they have outside the Natural History Museum, I think, every year, which I have been to, and outside Somerset House. There is no entry fee, and they are free for anybody to go into and out of, just like a shop.

Tom Tugendhat: It is not a question of cost; it is a question of controlled venues.

Q136 **Tim Loughton:** Right, but free for anybody to access without searches or anything. They would not be covered.

Shaun Hipgrave: They are not covered under this legislation. This legislation is one part of our counter-terrorism framework. Both of those events—

Tim Loughton: Will not be covered.

Shaun Hipgrave: —are actually covered by security advisory groups and already are quite sophisticated counter-terrorism—

Q137 **Tim Loughton:** Right. But they are not covered by this legislation, so it will do nothing to affect the risk assessment there. However, you have just drawn the example of what has happened in France, in a church. What happened in Germany and Austria in various Christmas markets in the last few years, where there were terrorist attacks—that is, risk-based, real cases of large numbers of people coming together for an open Christmas market, which are commonplace in towns, cities and villages in this country—will not be covered? On the face of what you said, they are actually higher-risk venues, but your legislation will not affect them. Why? Where is the logic?

Tom Tugendhat: Forgive me, Mr Loughton, I think Shaun said this legislation did not cover them, not that they were not covered. They are covered—they are covered by other legislation.

Q138 **Tim Loughton:** But not terrorist training legislation. This is about terrorist training.

Tom Tugendhat: No, it is not. This is not terrorist training legislation. This is about preparedness and venues.

Q139 **Tim Loughton:** Which includes training the people who are running



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them, which is a large part of it.

Tom Tugendhat: Which may, in larger venues, include training.

Q140 **Tim Loughton:** In all venues it includes training, does it not?

Tom Tugendhat: No.

Q141 **Tim Loughton:** In the village hall, there will be no training required?

Tom Tugendhat: No.

Q142 **Tim Loughton:** Officials in the Home Office told us there would be.

Tom Tugendhat: No. There is no training requirement.

Q143 **Tim Loughton:** A village hall will have no training requirement?

Tom Tugendhat: No, unless the venue was over 800 people.

Shaun Hipgrave: There is free training on the ACT app.

Tom Tugendhat: Are you talking about reading an app as training?

Q144 **Tim Loughton:** No. I am running a village hall, which has capacity for 101 people. Under this legislation, what will I now be required to do?

Tom Tugendhat: You will be required to think about your venue, to think about whether doors should be locked or opened, depending on what it is, and about how to evacuate people, how to secure people and then—

Tim Loughton: I am confident about that; done that.

Tom Tugendhat: Right. And then to prepare your team—

Q145 **Tim Loughton:** Have I now complied?

Tom Tugendhat: If you have prepared your team; if you have spoken to your team about it.

Q146 **Tim Loughton:** Prepared my team? What does that mean?

Tom Tugendhat: This is not some sort of first aid training. I think maybe you and I have different ideas of training.

Q147 **Tim Loughton:** What is it?

Tom Tugendhat: Discussing it; making sure that your team is aware of it.

Q148 **Tim Loughton:** So we've had a nice chat over a cup of tea for five minutes—"What do you think about anti-terrorist training? Oh, it's okay; we've got quite a strong door there. We are fine." Would that comply?

Tom Tugendhat: Mr Loughton, I take your point but—

Q149 **Tim Loughton:** Well, you don't, Minister—that is the problem. You have just told us that no training is required. Clearly, training is required. Your



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own officials have told us. The legislation suggests training. You are redefining training.

Tom Tugendhat: I think training does require some form of action, having spent 15 years doing quite a lot of training. I don't see drawing up a plan as training.

Q150 **Tim Loughton:** Right, so training is required.

Tom Tugendhat: No. This is drawing up a plan and discussing it with people. That is not the same as first aid training or driver training—

Tim Loughton: I am confused, Chair. I am completely confused now.

Chair: I think your officials gave us a different view.

Shaun Hipgrave: There is an e-learning app that people can go on for an hour and learn about what is required for a standard-tier evaluation.

Q151 **Chair:** That is what? There is training, then?

Shaun Hipgrave: There is a free app.

Chair: Your officials are nodding in the public gallery, so I think I am going to—

Shaun Hipgrave: There is a free app that people can go on to understand what they need for a standard tier.

Chair: Right. Okay. At that point, I am going to move on to Alison Thewliss.

Q152 **Alison Thewliss:** I want to ask some questions initially about interaction with the devolved Governments. What advice, what conversations, that you can share, have been had on this legislation so far? Some of what is going to apply in Scotland, Wales and Northern Ireland is being decided here.

Tom Tugendhat: We have spoken to the devolved Administrations in various different ways and we have had very good co-operation.

Shaun Hipgrave: The Northern Ireland and Scottish Governments have been engaged throughout the drafting of the legislation. They regularly attend our counter-terrorism meetings and they have been involved in specific protect and prepare meetings on this legislation.

Q153 **Alison Thewliss:** A number of aspects of administration that run in the background of events in Scotland are slightly different from those in the rest of the UK, as far as I understand it, including licensing around premises and individual licence holders, and public entertainment licenses are slightly different. How would this legislation interact with those things? Is there an opportunity to use this legislation constructively with those licence applications?

Tom Tugendhat: It is stand-alone, but there is no reason that individuals cannot do them together. This is going to be on an app—the



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ProtectUK app—which would require an individual to do some preparedness thinking and discuss the various options with their team. We have seen how, in places such as Borough Market, even a discussion among a team in advance of an incident can result in a very different outcome, which is something that we are trying to promote and support.

Q154 **Alison Thewliss:** If I was a show person, for example, wanting to get a temporary public entertainment licence to have a funfair on Glasgow Green, surely the opportunity would be at that stage to say, “Have you done this training?”

Tom Tugendhat: That could be a question that the council may ask. It will be a requirement under UK law, but it will not be a requirement on the —the reason why I am being slightly cautious about answering that question is that I don’t know whether you are talking about an enclosed venue, as in—

Alison Thewliss: In the open air, on Glasgow Green.

Tom Tugendhat: If it is in the open air and there is no enclosure at all, so that people can come and go, it is not covered by this legislation. If there is any form of constraint—so it is a numbered group of people in there, whether paid for or not paid for—then it is covered.

Q155 **Alison Thewliss:** I am just curious as to whether it would be an opportunity to fold this legislation in there, because if it is a temporary public entertainment licence, there are fewer constraints on it. If they have a fence around the funfair, the council will define the area that the person operates in, and you may have to pay—not necessarily an entry fee—to go into that fenced-off area to use the funfair. I am curious at which point the person who holds the temporary public entertainment licence interacts with your legislation.

Shaun Hipgrave: The current draft proposed legislation would not put that proposed Glasgow fair within the tier, because it does not have a boundary. However, as you know, the licensing works slightly differently in Scotland, and the licensing applicant will have to work with the Scottish police, the local authority and the resilience forums on a security plan for that venue. That still happens, and this framework will help support it, but your specific example would not fit within the legislation.

This framework is intended to raise the standard and knowledge of counter-terrorism responses. It would be hoped that even those premises below 100 would still be able to access our free guidance and advice, and still take that good advice in protecting their premises or in planning for an attack near their premises.

Similarly, licensing is different in Scotland. In Manchester, even though the legislation has not been brought in yet, the Manchester local authority decided to use the licensing of its premises to bring in a Manchester-type Martyn’s Law. That has some fall-back for us, because licensing in the UK is only for premises to sell alcohol and do certain activities, and that does not cover all the premises that we want to include within this legislation.



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Q156 **Alison Thewliss:** Certainly, public entertainment licensing in Scotland would cover that. That is why I am curious to understand whether there is any interaction there and whether there is something that can be used.

Tom Tugendhat: There are many ways in which this Bill can interact with local councils, local authorities, in different ways. As you will understand, this is a UK Bill and, therefore, it has been drafted for the whole of the UK. These things, as you know very well, are not absolutely standard—Glasgow is slightly different from Manchester, is slightly different from Belfast and so on—so even if different Administrations apply it slightly differently at local levels, or ask venues to check it at different points, making sure that the law applies appropriately across the whole United Kingdom is up to them.

Shaun Hipgrave: We will work with the Scottish Government to look at that example and see if we can develop the proposal.

Q157 **Alison Thewliss:** One of the questions I put to the previous witnesses was about public processions, which, again, are licensed in Scotland. If I wanted to have a public procession in support of, say, independence in Glasgow, we would have to give numbers, we have to have stewards, we would have to give details in advance of the route and everything else. I know that is not within the scope of the Bill but, given that that regime exists and that it would seem useful to ensure that the people operating that procession understood the risks and were aware of the legislation around Martyn's Law, is it something that you could consider for the Bill?

Tom Tugendhat: It is certainly something that we would consider in the future. It is not something that we have brought in at this stage, because processions, as you know very well, are covered under different legislation at the moment. The co-operation between police forces—indeed, Police Scotland is particularly good at this—and organisers of processions and public demonstrations of various descriptions is covered under different legislation and has been pretty well covered. That is not where this legislation is looking; it is looking at enclosed venues and enclosed spaces. Processions and so on is not where we started, but I would be very happy to take your thoughts about how it might be different.

Q158 **Alison Thewliss:** It seems to me that that could be a gap that could be filled. It is a public event. It is a risky event because it is out on roads in many cases. Therefore, if you wanted to use a vehicle as a weapon—as has happened in other places—that is a gap, which you could fill with legislation quite easily, I would think.

Tom Tugendhat: I would be very happy to hear your thoughts on it. With a Bill like this, it is important to start with areas where we understand the venues and the particular issues that are being covered. I think that is what this Bill does, working off existing standards that we have already established, via things like fire regulation, health and safety and so on. Building on that to create a pattern of legislation that makes sure the resilience is there is a good place to start. Whether we take it further may be a matter for further discussion.



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Q159 Alison Thewliss: Further to that, you have included sports venues within the legislation, for example, but that does not include the likes of the London marathon, the Great North Run or any of the sporting events that happen in our cities—road races in the streets. We know from the Boston marathon how much of a risk they present, with large numbers of people exiting an area at a particular time, all very scheduled, all very regulated. Why is that not seen to be fit to go into the Bill?

Tom Tugendhat: For the same reason—that it is not an enclosed space, and therefore it would come under a different area of legislation. As you know, the London marathon, the Great North Run and so on are already very well-policed events. I do not for a second dismiss the risk that you highlight. It is one that I know the police and many other people are very conscious of, but those events are covered by different legislation at the moment. Whether there is an argument for alignment or different levels of application of this legislation to other areas is something that we should look at, but it is not something that we focused on for this first stage.

Q160 Alison Thewliss: Again, I would suggest that there is a gap. These are large-scale public events, and this legislation has nothing to say about them. There is a risk that we know of from other places.

Tom Tugendhat: That is true, but this legislation is not designed to be a one-stop shop for every terrorist risk. It is designed to help venues of a particular kind—the larger venues in the standard tier between 100 and 800, and 800-plus—to address a particular gap that Figen Murray quite rightly identified. As you know, not all legislation applies to every circumstance.

Shaun Hipgrave: Could I add that, in our engagement with venue owners, including the London marathon, the Great North Run and air festivals on the seafront on the south coast—which are all open events and do not fall into the legislation—many of the organisers we spoke to acknowledge that they have sophisticated security plans in place. The counter-terrorism security advisers, which Matt Jukes mentioned earlier, are already engaged in advising for those events. They understand the threat and the mitigation against it.

The intention is to create some draft legislation that is simple to understand and comply with. In trying to bring in some of those bigger open-space events, we found difficulties in drafting, but we also understood that the gaps were plugged by other security partners.

Q161 Alison Thewliss: Say that a sports hall was the muster point where you go to collect your registration, get your bib, get your food—

Tom Tugendhat: That will be covered.

Alison Thewliss: That is included, but outside of that building, where people are setting off, isn't. That does not seem logical to me.

Tom Tugendhat: I disagree, in the sense that the law is not designed to apply to absolutely every circumstance. It is designed to apply to



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enclosed spaces, either indoor or outdoor, but with an enclosure around them. That is what it is designed to do.

The reality is that when you go into something like the Great North Run or an air tattoo or something like that, you are dealing with a very different form of responsibility and a very different form of control, because, by the very nature of it, you do not have single points of entry and exit; you do not have the ability to control who is coming into your venue; you do not have the ability to have the same levels of oversight, for the very good reason that the London marathon is over a very great distance and the Great North Run is over a very great distance. These are venues that naturally have very different requirements.

Q162 **Alison Thewliss:** Yes, but if you have several hundred people going in to collect their bibs in a sports hall—

Tom Tugendhat: That venue is covered.

Alison Thewliss: It just does not seem to be logical that one is protected and one isn't. There is a set of obligations for the person running the sports hall but not for the people outside.

Tom Tugendhat: It is not that one is protected and one isn't; they are both protected, but they are just protected under different bits of legislation.

Q163 **Alison Thewliss:** What protects people outside that hall?

Tom Tugendhat: Various laws that require police officers to police different venues, that require co-operation between event organisers and local authorities and so on.

Q164 **Alison Thewliss:** Can you define or list them for the Committee, or write to us?

Tom Tugendhat: I don't have them in front of me, but it is not in this legislation—specifically not in this legislation.

Shaun Hipgrave: There is a requirement with those big events for police officers and the emergency services to work with the local resilience forum and for event organisers to respond to those. Those kinds of events will also have many standard-tier locations around the event. As we know, under the standard tier there is a requirement to have a plan, not for an attack necessarily just in the event but outside the event and for what you would do then. There will be an enhancement of security knowledge and expertise anyway, and preparedness around those events.

Q165 **Alison Thewliss:** The evidence from the security industry earlier talked about the security industry being particularly low paid, with high turnover and in need of more training. What more will this Bill do to deal with the gaps that exist within the security industry as they stand?

Tom Tugendhat: This Bill does not address the security industry. It addresses venues—



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Q166 **Alison Thewliss:** Venues that will have security guards at them.

Tom Tugendhat: Some may; some may not. In the standard tier, it would be unusual to have security guards at them. In the standard tier, which is by a long way the vast majority of venues, it is unlikely—I cannot say this for every venue, because each venue will have to be looked at proportionately—that there will be security guards. For most of them it is simply an act of preparation, which would require discussion with the team that is running it and, in some cases, simply the individual who is doing it. That would not require any security guards. The standard tier is very unlikely, to Mr Loughton’s point about the village hall, to require security guards unless there is a particular reason for it.

Q167 **Alison Thewliss:** Yes, but looking at those larger-tier, larger venues, one of the criticisms in the Manchester Arena inquiry was about the security industry.

Tom Tugendhat: That criticism that was made in the inquiry is something we are looking at separately. This is not designed to look at the security industry. That is a matter that we are discussing with the Security Industry Authority, the SIA, and that is a different question.

It is something that, as you can imagine, we take seriously. This is an important job, and the way that the Government have changed on that and the way that the SIA has changed the regulation of that has been an important evolution of the security industry in the United Kingdom. I accept that there is more to be done.

Q168 **Alison Thewliss:** The underpinning of the success of this Bill will be on those low-paid, high-turnover individuals at venues.

Tom Tugendhat: I think a lot of the underpinning of the success of this Bill will be about the ability of venue organisers to consider the options before them and to prepare and think through. For some of the larger venues, a lot of that success will be based on the technology that is now available, which may not have been five or 10 years ago. It will be based on many of the procedures that we have learned, sadly, through the tragedies that we have seen in different places. That is where a lot of that will be based. Yes, there is a security professional element, that is true, but there are also a lot of technical professional elements.

Shaun Hipgrave: On that point, there is no doubt the failures that the Manchester Arena inquiry highlighted were around security, but there were multiple other things as well. One of the things that really came out of that was the lack of preparedness, planning, testing and exercising. This is what we expect to see in the enhanced tier: more preparedness, more testing and more exercising, and the previous witnesses mentioned that—certainly the security industry one. We would expect to see an increase in the security standard. Some part of that may well be security guards, but in general it will be about the security standard for an enhanced tier and how they plan to respond to attacks.

Q169 **Chair:** It may be helpful to refer to paragraph 14 of the explanatory



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notes on the Bill, which set out clearly that, under the standard tier, there will be a requirement for terrorism protection training. I think that relates to clause 13 of the Bill.

Tom Tugendhat: Sorry, forgive me, there may be a different understanding of what is meant by training. My view is training requires some sort of hands-on action like first aid training or something like this. This is e-learning. This is somebody sitting in front of a computer.

Q170 **Chair:** It says: "They will be required to ensure that relevant workers are given appropriate terrorism protection training." That is what it says in your explanatory notes.

Tom Tugendhat: If there are any.

Q171 **Chair:** Look, Minister, I don't think there is any purpose in us having this back and forth. Your explanatory notes clearly set out that training is required.

Tom Tugendhat: Dame Diana, I am delighted to take the criticism. My point is that, in many of the village halls that Mr Loughton is referring to, there are no workers. It is run by an individual or a very small group; there are no workers.

Q172 **Chair:** I want to ask you about clause 28. Could you explain why there is nothing in clause 28 about a person's or an organisation's ability to pay? This is about determining the amount of a penalty. Taking into account the issues that we have talked about with small venues, church halls, and everything else, we get to the point where there is penalty to be imposed. Why are we not considering whether there is an ability to pay if it is a small charity or organisation?

Tom Tugendhat: I am very happy to listen to that. My understanding at the moment, and I have just been pointed to the relevant clause, is that, on a standard duty, the maximum amount would be £10,000, but the idea is that this is based on a regulator acting as a partner throughout the process and us, only in the most egregious incidents of non-compliance, getting to a stage where there may be a fine. We hope very much that this fine will never be applied.

Q173 **Chair:** It is quite difficult, because we don't have any detail about the regulator, do we, to fully understand that?

Tom Tugendhat: We will be bringing that forward during the passage of the Bill.

Q174 **Chair:** During the passage of the Bill?

Tom Tugendhat: In the next few weeks and months, yes.

Q175 **Chair:** Okay. This will not be like in the economic impact assessment for the Illegal Migration Bill. The Bill got three-quarters of the way through its passage in the House of Lords, and we still did not have that assessment? You are guaranteeing we will have details of what the regulator will look like, their powers and responsibilities, in the House of



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Commons when the Bill is considered by the House of Commons?

Tom Tugendhat: We are working on it right now.

Q176 **Chair:** On that point, the guidance that has been issued so far is not complete, is it? There will be more guidance that will be issued?

Shaun Hipgrave: On the legislation?

Chair: Yes.

Shaun Hipgrave: We have had a really helpful conversation with the independent reviewer. Your scrutiny will be helpful. The guidance will be added to as we take forward different changes in the legislation.

Chair: Good. Okay, thank you. Minister, you have been very generous with your time, and we do have to conclude, but I just want to come back to Tim Loughton. I think he had one more question.

Q177 **Tim Loughton:** Two points. To come back, I am afraid, to those duties, on what you have said, are you saying that where there is a requirement to ensure that relevant workers are given appropriate terrorism protection training under section 14 of the guidance, that is a paid worker? So where volunteers are running a village hall—if it is entirely run by volunteers—no training will be required?

Tom Tugendhat: No, it is relevant workers.

Q178 **Tim Loughton:** What is a relevant worker?

Tom Tugendhat: Anybody who is working there would be relevant.

Q179 **Tim Loughton:** Voluntary, not pecuniary?

Tom Tugendhat: It could be voluntary. We know, sadly, that terrorists do not discriminate between ownership models. What we are talking about here is people who are working. As you and I both know, Mr Loughton, there are many village halls where there is nobody working. The village hall is owned by an entity, a charity, which is often run by two or three people. It may be a scout group or a wedding or something like that that is using the venue.

Q180 **Tim Loughton:** Every village hall requires to be maintained, which may be volunteers doing the cleaning, the opening up, the clearing up, or whatever. To make it clear, “workers” does not only refer to paid workers. It is the volunteers who may solely be responsible for the running of that bricks-and-mortar establishment—the village hall. Your official is nodding his head, so that is correct.

Tom Tugendhat: Absolutely. Forgive me. If I may come back to, “in a proportionate way”, if it is somebody who is solely there for an hour to do the cleaning, it would not be proportionate. That would not be a proportionate response.

Q181 **Tim Loughton:** How do we define that? So one of the trustees who comes in on a rota to do an hour’s cleaning a month would not be covered, but if it was an hour’s cleaning in a week, would that be



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covered? Or an hour's cleaning a day? How?

Tom Tugendhat: Forgive me, Mr Loughton. I am not going to go into the details of it. That is why—

Q182 **Tim Loughton:** We do not have any details; that is the problem, isn't it? You are trying to claim that my volunteers running my parish hall would not be required to have any training. Then you said, "Well, actually, they would, but it is only some online stuff." They will require training within the terms of this Bill, according to your explanatory notes. That is the basis of it, isn't it?

Tom Tugendhat: May I?

Tim Loughton: Please.

Tom Tugendhat: Thank you. It would be similar to fire marshal training, or the sort of training that people conduct in areas such as that—health and safety training—where it is not appropriate for everybody who may be working in the venue. It will be appropriate as it is appropriate, and that is why the legislation is set out to explain proportionality. That is why what we are looking to do is to have a regulator who works as a partner through this process, and the individuals concerned use the app through this process to ensure that they have an appropriate level.

Q183 **Chair:** Might it help us all if we could have a note after this session clearly setting out what is required in the law, what your explanatory notes are actually saying, and what the definition of "worker" and "volunteer" is? If you could deal with all that in a note, that might be a better way of addressing this.

Tom Tugendhat: Very happy to.

Tim Loughton: An explanation of the explanatory notes as well, please.

Chair: Yes, that would be helpful. Is there anything else you want to ask?

Q184 **Tim Loughton:** One last thing, without being too churlish. Matt Jukes outlined, and you have mentioned, ProtectUK, the Home Office links to Action Counters Terrorism and all this stuff that is readily available now, which is good. It would be in everybody's interest if that were better publicised and more people took it up of their own volition. What are you doing to promote all of that, that does not require regulation or making it law?

Secondly, I think you have admitted that we need better trained security guards, particularly in the larger venues, and that that is all part of better anti-terrorism training. Why is that not the priority, rather than this legislation, which is already open to an awful lot of criticism, not least from the independent assessor? Why are better trained security guards not a bigger priority for legislation?

Tom Tugendhat: Tim, you are slightly putting words in my mouth. What I said is that focus on security guards is an area of interest and is



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something that we are looking at. That is a separate question to this Bill, because this Bill is about venue security. I am not saying it is irrelevant; I am just saying that one must deal with things bit by bit, and this bit is about the venues.

On your point about ProtectUK, that is a valid challenge and I take it. We do need to do better to promote it and to advertise it, so that businesses and individuals around the country are aware of the advice that they can put in place now, with absolutely no legal requirement but in a way that would be beneficial not just to them and their staff but also to their customers.

Chair: Thank you very much for your appearance before us today. As you requested in the Home Office, we will be reporting back to you with our recommendations and our thoughts about the draft Bill. Thank you for your time and for the officials' time as well.