

<b>Committee(s):</b> Police Authority Board – <i>For Information</i> Policy and Resources Committee – <i>For Information</i> Port Health and Environmental Services Committee – <i>For Information</i> Licensing Committee – <i>For Information</i>	<b>Dated:</b> 04/12/2024 12/12/2024 07/01/2025  06/02/2025
<b>Subject:</b> Terrorism (Protection of Premises) Bill – ‘Martyn’s Law’	<b>Public</b>
<b>Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?</b>	Diverse Engaged Communities
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	N/A
<b>What is the source of Funding?</b>	N/A
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	N/A
<b>Report of:</b> City Remembrancer	<b>For Information</b>
<b>Report author:</b> James Edwards, City Remembrancer’s Office	

### Summary

This report outlines the provisions of the Terrorism (Protection of Premises) Bill, also known as “Martyn’s Law” and any implications for the City of London Corporation, City of London Police and Police Authority Board.

### Recommendation(s)

Members are asked to note the report.

### Main Report

#### Background

1. The Terrorism (Protection of Premises) Bill was first introduced in the House of Commons in September 2024 and, at the time of writing, has passed all its stages in the first House. It awaits its Second Reading in the House of Lords, scheduled for 7 January 2025.
2. The Bill follows a draft Bill introduced by the previous Conservative government which underwent pre-legislative scrutiny by the Home Affairs Committee, to which the City of London Corporation submitted evidence.
3. The Bill would implement a commitment contained in Labour’s General Election manifesto to strengthen the security of public events and venues, requiring those responsible for publicly accessible venues to take action to reduce the threat to the public from terrorist attack.

4. The Bill has cross-party support and has, so far, progressed quickly through its initial legislative stages with only minor drafting amendments being made to it. Its progress seems likely to continue to be relatively quick given support for the Bill's aims on both sides of the House.

### **Current Position**

5. The Bill requires persons responsible for qualifying premises or qualifying events to take steps to reduce the risk of physical harm to individuals arising from acts of terrorism and – for qualifying events and larger premises – to take steps to reduce their vulnerability to acts of terrorism.
6. Qualifying premises are split into two categories – those standard duty premises that can be expected to host between 200 and 799 individuals from time to time, and enhanced duty premises that can be expected to host 800 or more individuals from time to time. Schedule 1 to the Bill sets out in more detail those premises that fall within its scope.
7. Qualifying events are defined as events likely to be attended by 800 or more members of the public and where access to the event will be controlled by checking tickets or passes or taking payment. The Mayor of London's New Year's Eve fireworks display would be an example of an event that fell into this category, while the Lord Mayor's Show is not.
8. The Bill's requirements for standard duty premises are intended to be simple, focusing on having specified procedures in place to follow in the event of a terrorist attack, including in regard to lockdown, evacuation, evacuation and communication. Those responsible for standard duty premises will be required to implement reasonably practical public protection procedures as appropriate for their premises, and to notify the Security Industry Authority (SIA) that they are responsible for the premises.
9. For enhanced duty premises and qualifying events, the Bill requires the responsible people to notify the SIA in the same manner as for standard duty premises. They are also required to put in place reasonably practical public protection measures to reduce the vulnerability of the premises or event to an act of terrorism, and the risk of physical harm being caused to individuals if an attack was to occur there or nearby. They are also required to provide the SIA with a document setting out the public protection measures that have been put in place.
10. The Bill will establish the SIA as the regulator, which will be given functions in relation to inspections and enforcement. It will be given powers to issue compliance notices and monetary penalties for contraventions in relation to all qualifying premises and events and, in relation to enhanced duty premises and qualifying events, it may also issue restriction notices.
11. For the most part the requirements will be enforced by way of civil penalties and other civil measures. For a contravention in relation to standard duty premises, the maximum amount of a non-compliance penalty is £10,000. For enhanced duty premises or a qualifying event, the maximum penalty is £18 million or %% of the

person's qualifying worldwide revenue. Daily penalties for continuing contraventions are set by the Bill at £500 and £50,000 for standard and enhanced duty premises, respectively.

12. The Bill also creates certain criminal offences: for providing false or misleading information to the Security Industry Authority; for failing to comply with a restriction, compliance or information notice; for impersonating an inspector; and for obstructing an inspector. The Security Industry Authority will be required to issue guidance as to how it intends to exercise its functions, particularly its powers of investigation. The guidance will need to be approved by the Secretary of State. The Security Industry Authority must provide an annual report to the Secretary of State, who will be able to issue directions to the Security Industry Authority, as part of their oversight of the body.
13. The Bill also makes amendments to the Licensing Act 2003 and the Licensing (Scotland) Act 2005, mandating that all new licence applicants applying for a premises licence in England, Wales and Scotland will be required to supply two plans to the Local Licensing Authority in support of the application. The first plan will be a detailed plan for the Local Licensing Authority's use, whilst the second plan - which is the new component of this provision - will be a less detailed plan that will be made available for public inspection.

### **Implications for the City of London**

14. The City of London Corporation will be in scope of the Bill, both as a venue operator and as a Licensing Authority. That said, it should be noted that the Corporation would already be compliant with the obligations based on venue operators by the Bill. The City Corporation is working closely with the City of London Police – who are not directly in scope – on preparing for the Bill. As a venue operator, City Surveyors understand the requirements and are prepared along with other venue operators such as Mansion House and the Barbican Centre. As a local authority for licensed premises, the Licensing Team are working with the City Police counter-terrorism security advisers to ensure that in-scope venues are aware of the legislation and have guidance available to them.
15. The Corporation's evidence to the pre-legislative scrutiny stage of the draft Bill set out a number of concerns, including with regard to the Bill's application to 'unboundaried' events, the resource available to develop protection plans under the Bill, and how they would be enforced.
16. While the revised Bill has provided some clarity with regard to enforcement, with the designation of the SIA as the regulator, it is clear that the SIA will need significant upskilling and staffing. The development of guidance by the SIA will be critical in determining how the City Corporation works with them in respect of overlapping areas of responsibility and future collaborative working. Understanding how the SIA will interact with Licensing and Health and Safety authorities will also be relevant.

## **Corporate & Strategic Implications**

Strategic implications – This Bill stresses the importance of public safety in publicly accessible venues and events. Work undertaken by the City Corporation to develop a counter terrorism strategy means it is well placed to respond to Government legislation in this area. The City Corporation recognises the public’s expectation that it must do all it reasonably can to keep them safe, particularly in a part of the UK uniquely at risk given its role in the UK economy.

Financial implications – none

Resource implications – The Bill will require the Corporation to develop - where not already in place – public protection plans and other measures required of qualifying premises under the Bill. Counter-Terrorism-related testing may also be required, despite the disruptive impact on ‘Business as Usual’, in order to fully meet obligations under the Bill.

Legal implications – Non-compliance with the requirements of the Bill would lead to civil or criminal liability.

Risk implications – Compliance with the requirements of the Bill is, to some extent, reliant on the SIA’s development of appropriate guidance and on increasing its capacity to undertake the work of regulator. Delay in this area will increase the risk of non-compliance. Any counter-terrorism-related testing done in order to meet obligations under the Bill is likely to have a disruptive impact on ‘Business as Usual’ working.

Equalities implications – None

Climate implications – None

Security implications – Planning for counter-terrorism-related testing in order to fully meet obligations under the Bill is likely to have a disruptive impact on ‘Business as Usual’.

## **Conclusion**

17. The requirements in the Bill will have implications for the City of London Corporation as a venue operator and licensing authority, if not directly for the City of London Police, though it is important to note that the Corporation would already be compliant with the obligations placed on venue operators. The Bill currently awaits its Report Stage in the House of Commons and passage through the House of Lords.

## **Appendices**

- None

## **Background Papers**

- City of London Corporation submission to the Pre-Legislative Scrutiny – <https://committees.parliament.uk/writtenevidence/122129/html/>
- Terrorism (Protection of Premises) Bill 2024 – <https://publications.parliament.uk/pa/bills/cbill/59-01/0119/240119.pdf>

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