

# **Report to Licensing Committee**

**Date of meeting:** 26<sup>th</sup> October 2023

**Subject:** Martyn's Law

**Officer contact for further information:**

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**Committee Secretary:** **Therese Larsen 01992564243**

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**Epping Forest  
District Council**

**Recommendations:** For Information

## **Background**

1. On 19 December 2022, the Government announced details for the Protect Duty, now to be known as 'Martyn's Law' in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017.
2. The purpose of Martyn's law is to enhance our national security and to reduce the risk to the public from terrorism in public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.
3. The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. It will impose a legal duty on the owners and operators of certain locations to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there.
4. The legislation will apply across England, Wales, Scotland and Northern Ireland. Premises will fall in scope where "qualifying activities" take place. This will include:
  - entertainment and leisure
  - retail, food and drink
  - museums and galleries
  - sports grounds
  - visitor attractions
  - temporary events
  - places of worship, health, and education
  - public areas of local and central and local government buildings (e.g., town halls).
5. It will apply to eligible premises including any location or event that has a defined boundary, allowing capacity to be known (including temporary events). Eligible locations will be drawn into the scope of the legislation if they meet the following three tests:
  - That the premises is a building or event with a defined boundary.
  - That a qualifying activity takes place at the location; and
  - The maximum occupancy of the premises meets the specified threshold – either 100+ or 800+
6. Depending on the capacity, eligible premises will fall into either a standard or enhanced tier. Standard tier premises will be required to undertake simple yet effective activities to improve protective security and preparedness. This will apply to qualifying locations with

a maximum capacity of over 100 including larger retail stores, bars, restaurants, and outdoor events etc. The suggested measures include:

- completion of free training
  - awareness raising and cascading of information to staff
  - completion of a preparedness plan to embed practices to delay attackers progress
7. Enhanced tier will see additional requirements placed on high-capacity locations in recognition of the potential catastrophic consequences of a successful attack. This will apply to locations with a capacity of over 800 people at any time including music venues, theatres, cinemas, large outdoor events and department stores. These premises will need to undertake a risk assessment and provide a security plan and additional measures could include implementation of physical measures like CCTV or new systems and processes to enable better consideration of security.
  8. It is proposed that some limited exclusions and exemptions will apply, these include:
    - locations where transport security regulations already apply
    - those that are vacant over a reasonable period or are permanently closed
    - Those with a large floor space and low occupancy in practice (e.g., warehouses and storage facilities)
    - offices and private residential locations
  9. The legislation is currently at draft bill stage and the Home Affairs Select Committee conducted pre-legislative scrutiny in June. Whilst there is support for the bill, concerns have been raised regarding its proportionality and in particular the impact and burden it will have on smaller premises within the standard tier.
  10. The Home Affairs Select Committee have also raised concerns that as it stands a village hall would have to take safety precautions however, an open-air farmers or Christmas market would not, and this makes little sense.
  11. Therefore, at this time the bill is still subject to change however, it has been suggested that Royal Assent will be given early 2024. This will be followed by a transitional period during which businesses can prepare before the Act comes into force in 2025.
  12. Once approved, dedicated statutory guidance and support will be provided by government to ensure those in scope can effectively discharge their responsibilities. Once we are aware of the final details, the Council will also be providing advice and guidance to those premises likely to be affected by the requirements.