

## **Martyn's Law- Consultation– legislation is not yet law**

There is a consultation out targeted at organisations, businesses, local and public authorities, and individuals who own or operate publicly accessible premises or events that the [Terrorism \(Protection of Premises\) Bill](#) will potentially affect.

Martyn's Law Consultation focussed on standard tier and then bill will be taken forward

- standard tier premises, which would have a capacity of 100-799 individuals
- enhanced tier premises and qualifying public events, both of which have a capacity of 800 individuals or more

The bill will impose requirements in relation to certain premises and events 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 at the premises. The proposed requirements would apply to those responsible for qualifying\* public premises and qualifying public events.

\* Must be accessible to the public – entertainment leisure/ food and drink – building or outdoor location. Access by express or implied permission

Special cases – places of worship in standard tier unless people pay for entry/ Education premises will be standard tier apart from higher education because safeguarding provisions already in place – gates sites/ access control measures

### **Standard Tier**

Premises in the Standard Tier (capacity between 100-799) will be required to take steps to ensure preparedness for, and protection from, terrorist attacks.

The Government is committed to listening to the views of businesses and premises to ensure the law stands the test of time and is accessible, proportionate and deliverable for smaller venues. That is why ahead of introducing the Bill in Parliament, the Government has launched a consultation on the standard tier to ensure the Bill's measures strike the right balance between public protection and avoiding undue burdens on smaller premises. This follows concerns raised about the implications of the standard tier through the pre-legislative scrutiny of the draft Bill in 2023.

The consultation seeks to understand the views of organisations and the general public as to whether the updated approach:

- Sets out the Government's requirements for the Standard Tier in a clearer, more understandable way; and
- Is better suited to the wide variety of organisations within the Standard Tier, to ensure that requirements are appropriate and proportionate.
- The updated approach to standard tier being consulted on now means that those responsible for Standard Tier premises must:
- *Notify the Regulator that they are, or have become, responsible for premises within scope of the Bill (and so subject to the relevant requirements – 800 people or more).* This remains broadly in line with previous requirements.
- *Have in place procedural measures that could be expected to reduce, so far as reasonably practicable, the risk of physical harm to individuals at the premises in the event of an attack.* These relate only to the procedures to be followed by people working at the premises in the event of an attack occurring or being suspected as about to occur. As the procedural measures are about procedures for responding to an attack or suspected attack, it is not expected or required that physical alterations be undertaken or additional equipment purchased for Standard Tier premises.
- In contrast to the published draft Bill, there is *no requirement to complete a specified form (the 'Standard Terrorism Evaluation') for Standard Tier premises or ensure that*

people working at the premises are given any specific training. However, as part of putting in place the procedural measures, workers will need to be sufficiently instructed or trained to carry them out effectively.

Enhanced tiers requirements remain the same as set out in the bill

### **QUESTIONS IN CONSULTATION AND MY PROPOSED ANSWERS**

The six-week consultation was launched on 05/02/24 and will close on 18/3/24. Consultation [here](#).

*To what extent do you agree or disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?*  
Agree

*To what extent do you agree or disagree that 'the revised requirements for the Standard Tier are more appropriate for the broad spectrum of premises in scope, as outlined at [paragraph 18](#) (e.g. village halls to a 799-seater theatre), than the previous requirements outlined in the Draft May 2023 Bill' (key changes outlined at [paragraphs 40 and 41](#))?*

Strongly agree

*Why do you agree that the revised requirements are more appropriate than the previous requirements? Please select all that apply. – select All*

I think the proposed changes remove unnecessary administrative burden for small premises  
I think the proposed changes are more appropriate for the broad spectrum of organisations in scope

I think the proposed changes will be more proportionate for businesses

I think the proposed changes make the **Standard Tier** clearer

*How successful, if at all, do you think the revised Standard Tier requirements will be at improving feelings of safety for staff and visitors at premises within the Standard Tier?*

Moderately successful

*How easy or difficult do you think it will be for those responsible for Standard Tier premises to take forward the [revised requirements](#)?*

Very easy

*What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?*

I don't think there will be any unintended consequences

*How concerned, if at all, are you that the cost of meeting the Standard Tier requirements will affect your organisation's financial ability to continue operating?*

Not at all concerned

*The Standard Tier has an estimated total cost of between £387 million and £1.63 billion with a central estimate of £860 million (PV/Present Value) over the full appraisal period of 10 years. This is an economic cost from working hours being taken up to complete counter-terrorism planning and training, with no financial burden on sites. For an individual site, it is estimated to cost between £160 and £525 per year, with a central estimate of £310 per year. This is likely an upper estimate, with the addition of a reasonably practicable test meaning that some sites will face reduced costs. For more information, you can read [Annex A](#). Given this cost assessment, how would you think any costs of the Standard Tier should be met?*

**Please select one answer only.**

**All** the cost should be met by the **customers** of the premises where possible

~~Most~~ of the cost should be met by ~~customers~~ of the premises

The costs should be ~~shared~~ equally by the premises owner/operator and the customers of the premises

~~Most~~ of the cost should be ~~absorbed~~ by the premises owner/operator and only a minimum passed on to the customers

~~All~~ of the cost should be ~~absorbed~~ by the premises owner/operator and none should be met by the customers of the premises

~~Don't know~~

*As outlined in paragraphs 29-32, the training expected as a result of the proposals is now limited to that which forms part of ensuring that there are effective procedural measures to reduce the risk of harm in the event of a terrorist attack. Workers must have sufficient awareness of what they need to do in the event of an attack, i.e. the procedure to be followed, for such measures to be in place. Organisations should ensure training is right for their specific needs and relevant to the roles of specific staff.*

*Do you think the new approach to training places more or less burden on Standard Tier organisations compared to the [previous approach](#)? By "burden", we mean any burden including financial, time, effort or other.*

[Much less burden with the new approach](#)

*Do you think the Standard Tier procedures in Martyn's Law place more or less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? By "burden", we mean any burden including financial, time, effort or other.*

[About the same](#)