

SOCIETY OF LOCAL COUNCIL CLERKS

RESPONSE TO DRAFT TERRORISM (PROTECTION OF PREMISES) BILL

JUNE 2023

The Society of Local Council Clerks wishes to make representations to the Home Affairs Select Committee & Home Office during the pre-legislative process of the rollout of Martyn's Law.

1. Introduction to the Society of Local Council Clerks

The Society of Local Council Clerks (SLCC) is the professional membership body for clerks to parish, town, community and city councils in England and Wales, also known as local councils. We have clerks representing communities with no more than 100 residents right through to our largest council in membership, Northampton Town Council, with more than 100,000 residents. Whilst very different in size, they all fundamentally work on the premise of providing very localised services which meet the direct needs of their residents.

It is worth pointing out that the SLCC works very closely with other national bodies which equally have an interest in this bill; namely the National Association of Local Councils (NALC), One Voice Wales (OVW), the National Association of British Market Authorities (NABMA) and Action with Communities in Rural England (ACRE). Like SLCC, some larger local councils are members of the Local Government Association (LGA) as they share some of the more complex needs of principal councils.

2. Engagement with the Sector

SLCC has spoken to colleagues from the national bodies above and, disappointingly, there seems to have been a lack of engagement with the local council sector in preparation towards the new

legislation. Though one day workshops were arranged by the Home Office in English and Welsh cities offering guidance on Martyn's Law, these were not promoted to local councils and those who did know about them struggled to attend as the sessions were over-subscribed. Though it was suggested that parish and town councils were part of a northeast pilot to test the assumptions of this piece of legislation, we have not yet been able to identify any parish or town councils taking part in it. It would be helpful for us to understand their feedback from involvement.

Notwithstanding the minimal engagement so far, this submission comes with a genuine willingness on the part of the SLCC for future engagement with the Home Affairs Select Committee, the Home Office and other bodies such as the National Counter Terrorism Security Office (NaCTSO) and the National Protective Security Authority (NPSA) to help inform their officers' understanding of our sector. Together, we can look at the best way of maximising how local councils can be used to help reinforce the importance of local resilience and raise awareness of Martyn's Law within communities.

3. Consultation with our Members

In preparation for this response, we sent a questionnaire (June 2023) to our members. A snapshot of their views is at **Appendix 1**.

The headline findings of the survey are:

- 70% of respondents know about Martyn's Law
- 10% of respondents had read the Bill
- 60% of respondents had village halls with a capacity 100-799
- 80% of respondents managed open air events
- 80% of respondents carried out Risk Assessments for events
- 63% of respondents wrote Event Management Plans
- 36% of respondents engaged with Safety Advisory Groups
- 7% of respondents had received counter terrorism training
- 3% of respondents had experienced terrorist/extremist related activity
- 78% of respondents were not confident in implementing terrorism plans
- 96% or respondents welcomed training

4. Parish Council Scope within this Bill

In terms of the facilities local councils provide, relating to Schedule 1 of the Bill, we have members who are responsible for:

- Retail Premises
- Entertainment Venues
- Sports Grounds
- Libraries
- Museums
- Archives
- Conference & Exhibition Spaces
- Village & Community Halls
- Indoor Markets
- Parks & Open Spaces (which host events within scope of this bill)

Confirmation of the breadth of relevant facilities is set out in a 2023 report by the Local Council Governance Research Centre (LGRC) at De Montfort University (DMU) - [The Future of Local Councils](#).

Our survey of membership has shown that a large proportion of local councils will have “*qualifying premises and events*” and, particularly in the case of larger councils, a significant number will have multiple premises and events.

SLCC would wish to seek clarification on the determination of use to meet the test of a qualifying premises. This is particularly in relation to village halls. We would argue that these locations do not have a permanent use as defined within Schedule 1 because it is dependent on the hirer.

Therefore, the only time that it would be in scope would be where there is an event in excess of 800. This interpretation would, in effect, take many community facilities out of scope.

5. Principle of the Bill

SLCC is supportive of the Bill. Within our membership some clerks have had to mitigate against possible terrorist activity within their communities and many, as a matter of course, are building terrorism management within their everyday risk assessments and management plans. Thankfully,

incidents are few and far between and whilst some might suggest “*there’s no reason why terrorists should target our communities*” the reality is “*there’s no reason why terrorists shouldn’t.*” Threats are real and we never know where they will be and when.

The SLCC recognises that the threat has changed. Not only are large venues targeted by organised terrorist groups, but a real threat now comes from self-initiators who have struck in streets and small venues. Only last month we witnessed atrocities in Nottingham.

Our sector is in a unique position. Local councils can and do provide local leadership within their communities and this could be a real driver to raising awareness of the Bill and creating resilience and thereby reducing the fear of terrorism.

In terms of impact, it is rare that a single piece of legislation has the capacity to affect the whole sector. This is one and many foresee it as complex to deliver as the GDPR Regulations. That was legislation that was designed more to capture the large corporate bodies; this though places a significant duty and liability on not only a council, but the clerk who will inevitably be the “*Designated Senior Officer*” where they could face criminal sanctions for non-compliance.

Notwithstanding this, we readily recognise that our sector has duties to comply to a whole raft of legislation to safeguard the public against terrorism; these include:

- Health & Safety at Work Act
- Occupiers Liability Act
- Crime & Disorder Act
- Counter Terrorism & Security Act (which not listed, they could be culpably liable by association with other partners)
- Licensing Act
- Private Security Industry Act

At this stage our message to our members is **DON’T PANIC** because we believe that the sector can put in place, with the appropriate resource, measures to support local councils to meet the requirements of this legislation.

6 Capacity Threshold of the Bill & Gaps

During our survey work, a number of our members have questioned the breadth of the Bill. They have questioned how the minimum capacity number of 100 has been established and whether

there is flexibility around it. Our experience is that many of our members' councils run village halls, many of which hold a Fire Risk Assessment capacity of more than 100 yet the real risk of a terrorist attack is minimal. Those members who either own buildings or run events with a capacity in excess of 800 do not foresee problems with compliance as they are legally required under the above listed legislation to put in place mitigating measures to address risk.

Many of our members have raised the aspect of open-air events with no defined boundary and an implied access as missing from the draft legislation. These include Remembrance Parades, Christmas Lights Switch-on events, carnivals, village fetes and community events which are free to enter/attend and are commonplace in local council diaries. These events pose a far greater risk to the public as there are more unknown factors to consider.

In many of these cases, the Local Authority is required to consider some form of permission, be it Road Closures, a Temporary Event Notice or a Premises Licence and in most cases there are often conditions in the granting of permission. There is, therefore, a rationale to suggest that the Local Authority should have a duty to ensure the necessary conditions are imposed on any permission to best consider terrorism measures.

Given the uncertainty of impact, we would recommend that any determination of numerical scope of capacity is not mentioned in primary legislation but is delegated to the Secretary of State to determine by way of secondary legislation.

7. Accountability

SLCC accepts that there is accountability for actions within the Bill and the duties to co-ordinate and co-operate place an equal duty on as much the landowner as the day-to day user/event organiser. Previous case law has never set the culpability of responsibility in such a 50/50 split, and this is a concept that is likely to pose a challenge to members. We would not wish to see our members' councils setting capacity numbers below the threshold to avoid such level of accountability because we believe that all should embrace a security culture and mindedness in all activities.

8. Proportionality

SLCC believes the key word to all of this is proportionality. New measures and activity around compliance need to be reasonable and affordable and associated to any likely risk. We have already seen compliance commercialisation in action with consultants coming out of the woodwork offering

their services. Our members need to properly understand this piece of legislation and how to implement it or they risk being swept up by offers of unregulated support.

9. Terminology

SLCC would like to seek clarification on the term “*relevant worker*”. The Home Office workshops referred to employees, contractors and volunteers yet the bill is light on detail. This has implications on the ability to cascade information. Our sector often relies on a strong local volunteer network and upskilling them on top of decision makers/council employees can add a further burden on councils.

10. Regulator

SLCC wishes to seek assurance that the appointment of a Regulator is to educate and support those seeking registration under the Bill, particularly given this is a new burden on the sector. Choice of Regulator needs to come down to who best fits the uncertainty of events and who engages more on the preparedness for uncertainty. We are not convinced that such a body as the HSE is that perfect body as their ideology is based on the principle of likelihood. An organisation like the SIA would probably be a best fit and the SLCC would happily work with them to support their better understanding of our sector.

11. Training & Support

It is acknowledged that a fundamental part of the Bill is the dissemination of training and information, the bulk of which is free and online. We would, however, stress that identifying the areas of training, often across multiple platforms, and then interpreting them into a setting that is understandable to our sector takes time. Our members’ experiences are varied and even the most resourced, academic and experienced within the sector have found this process extremely time-consuming to read, interpret and come to terms with implications.

Our members’ engagement with Counter Terrorism Security Advisors attached to the Police Forces is minimal and in many cases, advisors have struggled to present training in a format that meets the requirements and diverse nature of the sector. Furthermore, we are concerned that once

legislation is passed, whether their resources and staffing levels will meet the additional demand on their time and services. We believe that once the legislation is enacted and the provisions are enforceable our sector's ability to access support will be ever more difficult.

We have sensed from survey work that the sector wishes to develop bespoke training that meets the needs of local councils in being able to fully embrace this legislation. We would urge the Home Office to consider the resourcing of such especially given that there are circa 10,000 local councils in England and Wales. The SLCC and NALC already provide a range of training and can, if resourced, take this on for the sector.

12. Financial Impact

It has been disappointing that no reference is made to the town, parish and community councils in calculating the costs associated with rollout of this legislation. From purely reading the documentation to considering and developing the scope for compliance to the time involved in developing training and awareness programmes that meet the needs of sector, the costs are likely to be high. As mentioned above, even the well-resourced clerks within our sector have had to spend a proportionally large amount of time to understand what is expected of them.

13. Wider context of this Bill and considerations for the Home Office

The dawning reality is that as the emergency services become increasingly stretched, the need for community resilience grows too. We have anecdotal evidence from our members that in preparing for large scale events in the scope of this Bill, they have been told by local emergency services to prepare to maintain an emergency in-house for up to 30 minutes before receiving support on the ground. 30 minutes is a long time if a major incident were to take place. This makes security planning and multi-agency responses even more important. As 999 no longer gets an immediate response, the responsibility to respond whilst waiting is crucial and where there is the imminent and proven potential for saving lives.

SLCC and its partner organisations believe that much can be done to upskill our sector into being more resilient. We have case studies of where town, parish and community councils have displayed local leadership in bringing strategic partners together to jointly problem solve using the national Joint Decision-Making Model. Here, they have demonstrated strong leadership where, in the

possible event of impactful terrorist activity in their communities, they have brought partners together to plan and test out plans to breaking point to ensure business continuity. **Appendix 2** is a case study from Shrewsbury Town Council.

14. What Next?

SLCC with NALC would like to explore with the Home Office the potential of building a support package for the sector to fully address how this draft Bill's proposals can become an opportunity for greater resilience and joint agency multi-skilling cohesion.

Accepting that the counter terrorism world has spent much time and money on building resources to support this work, it hasn't really got to grips with how this will land locally and impact local councils and their communities.

During the GDPR rollout, our sector was blighted with "experts" in the field, but they had little knowledge of how local councils work. The SLCC and NALC have expert knowledge and the added benefit of officers and members who are already beginning to grasp the ramifications of this legislation. They are willing to help upskill the sector, but we need the financial resources to deliver that to develop awareness webinars, wider reaching guidance written in a parish council context and more intense training packages that support compliance, business continuity and, most importantly, keeping people safe.

15. Our Ask to the Home Office

- 1. To actively engage with both SLCC and NALC to understand and appreciate the impact of the new legislation on the parish, town and community council sector;**
- 2. To review the financial impact on the parish, town and community council sector;**
- 3. To work with SLCC and NALC on a joint package to support proactive rollout;**
- 4. To continue engagement with SLCC and NALC on other Home Office related matters (Safer Streets, County Lines, Role of CSPs, Engagement with PCCs etc) that many of our members have an active involvement in as practitioners**

Martyn's Law Survey of SLCC Members

General Commentary

Over the period of 5 days in June 2023, members of the SLCC were asked to complete a short survey about Martyn's Law and the implications of the proposed new legislation for local councils. With 225 responses, the results of the survey provide a useful snapshot and insight into their views and experiences.

The results can be summarised as follows:

The majority of those completing the survey (70%) knew of Martyn's Law. It was featured in the most recent edition of the SLCC's bimonthly magazine – [The Clerk](#) - where Figen Murray kindly contributed an article about it. Regular updates and information are also posted on the [SLCC's website](#). However, whilst having knowledge of the principle, only 10% of those surveyed were aware of the draft Bill.

The likely impact of Martyn's Law on the sector is evident with 60% having community buildings in the Standard Tier qualifying category. Other Enhanced Tier qualifying premises were also highlighted in the survey (e.g., Theatres & Museums and Indoor Markets).

A significant majority of those surveyed (80%) organise events for their communities and there is much concern whether they should or shouldn't be in scope. The culture of undertaking risk assessments for events is evident (80%) as is the preparation of Event Management Plans (63%), but the need to engage with Counter Terrorism Security Advisors or seek counter terrorism training is not evident.

Thankfully, terrorist/extremist activity is uncommon within the sector with only 3% of those surveyed having experienced anything within their working environment.

Overwhelmingly 78% of those surveyed did not feel confident in implementing terrorism plans and 96% would welcome training in the specialism.

A breakdown of each question is as follows:

1. Are you aware of Martyn's Law?



Commentary

There is a general awareness in the sector about Martyn's Law. A number of clerks also experience the principles of Martyn's Law in their work whether by the fact their Local Authority has decided to adopt the principles, or their parish, town or community council has.

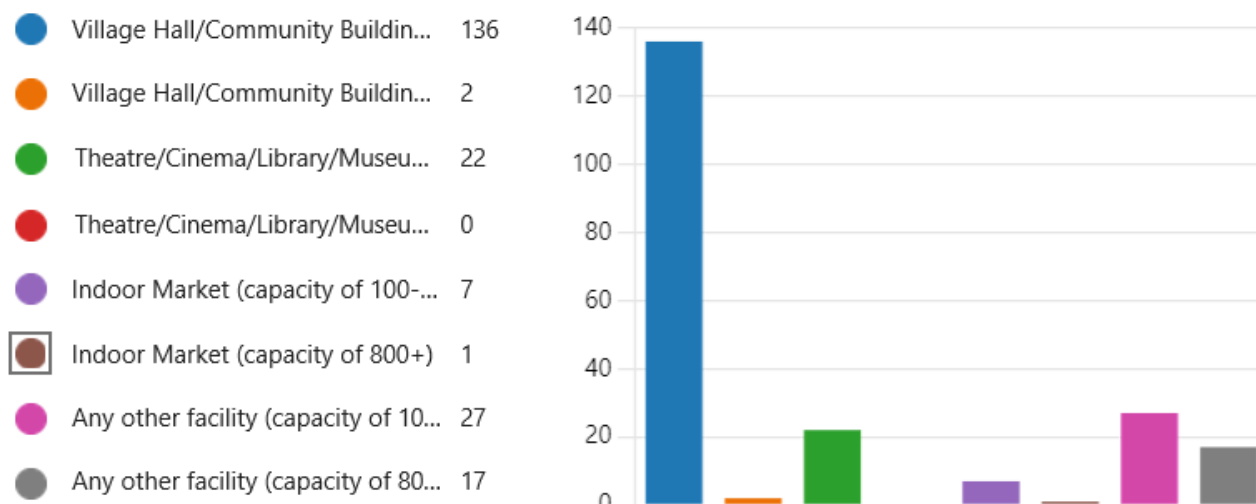
2. Have you read the Draft Terrorism (Protection of Premises) Bill and associated documents?



Commentary

Despite awareness of Martyn's Law, few local councils are familiar with the draft legislation. This may, in part, be because the Home Office workshops were not opened up to the wider local council sector.

3. The Guidance suggests that some 300,000 premises might be affected by this proposed legislation. Do you own any of the following buildings?



Commentary

The table above gives a broad idea of the scale of scope of the draft Bill on the local council sector with over 70% of those surveyed having at least one village or community hall within the Standard Tier. Some larger local councils have multiple sites which would be in scope of the draft Bill.

4. Do you own any buildings with a capacity of 100+ that you lease to another party?



Commentary

Whilst some 25% of those surveyed have buildings they lease to another party, it does not appear that many will be wrapped up in the duties to co-ordinate and co-operate, though they still need to focus on Occupiers Liability.

5. Do you lease any buildings with a capacity of 100+ from another party?

● Yes	27
● No	190



Commentary

Further information would need to be sought to determine the nature of leases and any duty to co-ordinate and co-operate. It is likely that some of these buildings are leased from the principal authority.

6. Do you own any land on which ticketed events attracting 800+ operate?

● Yes	45
● No	170



Commentary

Interestingly, less than a quarter of those surveyed release their land for major ticketed events be it for their use or another party.

7. Do you manage outside space(s) which is used as a venue(s) for events such as Christmas light switch on, remembrance events etc?

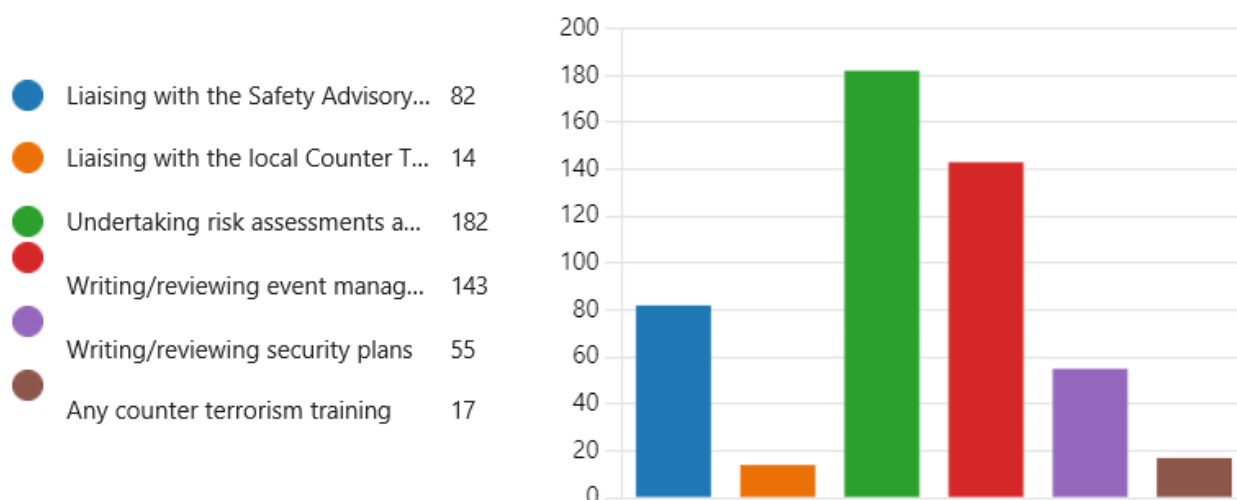
● Yes	175
● No	48



Commentary

Many local councils run community events which are outside in open spaces or in the streets and many are attended by significant numbers of local people and visitors.

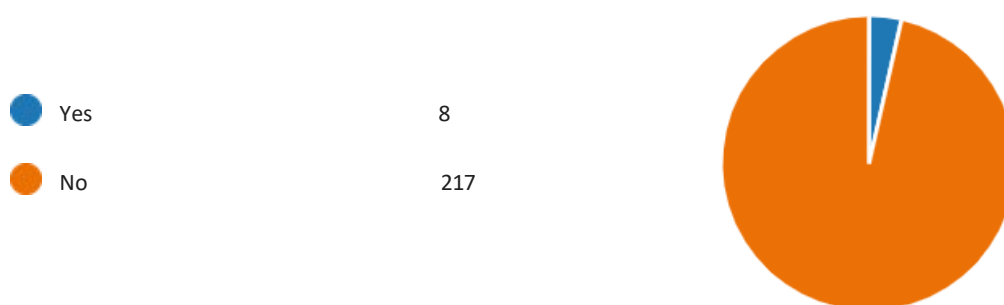
8. Are you involved in any of the following:



Commentary

This is interesting in that whilst there is an established culture of undertaking risk assessment and preparing Event Management Plans, there is little recognition of the need to address counter terrorism measures or seeking counter terrorism training. A large proportion of those surveyed engage with their Local Authority’s Safety Advisory Groups; this then leads to the potential of empowering those groups to take on more of a legislative role rather than just their current advisory role.

9. Have you experienced any terrorist/extremism related activity in relation to land/buildings you own/occupy?



Commentary

Thankfully, incidents of terrorist/extremist activity in the local council sector are minimal but, nonetheless, it does highlight that terrorism continues to pose a threat to our local communities and supports the notion of “There’s no reason why terrorism shouldn’t happen.” It would be interesting to seek further insight from those 8 respondents surveyed as to whether their experiences have changed their day-to-day approach to managing council activities.

10. **Would you feel confident in implementing the mitigation measures should the Bill be passed?**

● Yes	43
● No	177



Commentary

There is a significant proportion of clerks surveyed who do not feel confident in implementing the measures as set out in the draft Bill. This is reflective of the whole sector.

11. **Would you welcome further training on the proposed mitigation measures?**

● Yes	213
● No	9



Commentary

This represents an overwhelming call for training that is bespoke to the sector. Only one respondent mentioned having undertaken Action Counters Terrorism (ACT) training and only 17 had mentioned any type of counter terrorism training.

12. **Do you have any other questions or comments on aspects which might impact the new draft Bill?**

Commentary

Those surveyed were provided with a free text box to add any further comments. Below is a snapshot of some the 60 responses received:

General Comment

“Measures must be proportionate to actual risk and not one size fits all”

“Obligations need to be proportionate to real risk posed and not for the sake of it”

“Simple risk assessment carried out then if terrorism risk considered high then instigate”

“Sledgehammer to crack a nut”

“Hard cases make bad law”

“ACT Training was excellent”

“Local Authority and SAG have imposed Martyn’s Law – virtually eliminated the possibility of the Town Council holding events”

“Need to ensure community events do not end up being classed in the same bracket as big entertainment”

“Councils need to take their responsibility for events seriously”

“What if defined are is defined by virtue of a road closure”

Impact on Small Venues & Events

“Small venues are run by volunteer”

“Over-burdening small venues with low risk”

“Hard enough trying to recruit a village hall caretaker”

“This will pose a burden on small community venues”

“Volunteer run annual events will likely cease if the level is onerous”

“Parish Council is a Custodian Trustee of the village hall – does that mean implications”

“100 is too low – raising the threshold to 200 would spare the majority of village halls”

“Town Hall has an overall capacity of 100 but no individual room can cater for 100 – does it qualify?”

“Fear small events would die off”

Requirements

“Clear programme of training and simple checklists needed”

“Importance of training is of paramount importance”

A full list of all comments is available on request from the SLCC.

APPENDIX 2 – LOCAL COUNCIL CASE STUDY

PARISH & TOWN COUNCIL CASE-STUDY

SHREWSBURY TOWN COUNCIL

A PROACTIVE APPROACH TO MANAGING TERRORISM RISK

Shrewsbury Town Council (formed in 2009 as part of the Shropshire Unitary Council creation) provides a broad range of local council services and functions with a large portfolio of assets to maintain. It has a budget of £4.2m and an 85 strong workforce and is one of the most resourced councils in the sector.

Shrewsbury is the County Town of Shropshire, covering a population of 75,000. Its service centre reach extends far beyond Shrewsbury & Shropshire out to the Welsh Coast and deep into the black country.

Its town centre has the largest collection of licenced premises in the West Midlands outside Birmingham and the events calendar in the town attracting hundreds of thousands of visitors is not comparable to any other market town in the West Mercia Police Force area.

Shrewsbury Town Council manages the Quarry Park (where the majority of events take place) under an all-encompassing Premises Licence with conditions attached to meet the four Licensing Objectives:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Much of the Town Council's need for proactivity in relation to terrorism management came in 2016 when at the Flower Show a credible bomb threat was received. The situation required dynamic assessment of attempting to locate a possible bomb whilst considering the impact of some 10,000 participants preparing to leave the event and measures were put in place to disperse the exiting crowd from the park away from the location of the possible bomb.

The need was further exacerbated the following year as the Let's Rock Concert was the first large capacity concert in the country following the Manchester Arena Bombing. There, heightened levels of vigilance and security searching took place and has been the default position ever since.

2018 saw a different approach to managing the Christmas Lights Switch-on. The surge in crowds as the 6.30pm switch-on event grew nearer together with the blocking of routes by street pedlars arriving with large trolleys that no-one could identify content saw a new approach to managing the event. Utilising a combination of Road Closures in the town centre together with the invocation of the Town Council's Events Premises Licence, Street Pedlars could in effect be removed from the event space because their attendance did not meet the primary licensing objective of Public Safety.

The Town Council has twice considered its approach to Security Planning in light of Martyn's Law [March 2022](#) and again in [March 2023](#). All staff have undertaken ACT Training, are fully conversant with HOT & SCaN Principles and have worked dynamically with Security Contractors to develop plans to manage terrorism risk. These have been used for all the major boundaried/ticketed events in the park, Christmas Lights Switch-on (attracting 3500 people), the Kings Proclamation (attracting 4000 people) and various Remembrance and Freedom Parades with a large VIP guest-list.

In June 2023 the Town Council hosted a day-long Terrorism Awareness Event involving all the major event organisers and their security contractors, the Shopping Centre Manager, Business Improvement District Executive Director, the Chief Inspector of Neighbourhood Policing and Regional Officers of the SIA.

The purpose of the event was to increase awareness of counter terrorism, consider the vulnerabilities of the park to terrorism and determine the reasonable, proportionate and affordable mitigation measures that need to be put in place and ultimately develop micro-level plans in addressing an evolving crisis ahead of Emergency Services taking on Silver Command.

A Desktop Exercise dealing with multiple incidents at a single event helped focus the mind on the task at hand and as a result all major event organisers in the park have amended their Security Plans.

Shrewsbury has the added benefit of having established interoperability amongst partners through Team Shrewsbury. Set up in 2014 following the award of funding from the DCLG Our Place Initiative, Team Shrewsbury was established with 5 key partners (Shrewsbury Town Council, Shropshire Council, Shrewsbury BID, West Mercia Police & Shropshire Fire & Rescue) to come together to deal with localised problems and develop a single solution, very much based upon the Joint Decision-Making Model. Quite often the beneficiary to the problem is not the owner of the solution but it is the collective spirit in doing what is right for the town that has made this partnership much stronger with now some 35 different partners from Public Sector, Emergency Services, Health, Registered Social Landlords, Charities, Public Protection & Safeguarding and Businesses.

The Partnership now in its 10th year is still led by Shrewsbury Town Council and meets across three strategic tiers; Operational (weekly) bringing together key staff/PCSOs/Security/CCTV Control to look at on the ground matters; Tactical (monthly) with partners able to develop solutions to problems, identifying staff and resource and Strategic (quarterly) bringing together the key decision makers from those 5 original partners to oversee the greater good of the town.

Team Shrewsbury is replicable providing localised resilience. Martyn's Law fits well with this model ensuring that partners plan collectively and respond to risk collaboratively whilst sitting in a very grown-up space of being able to reflect and build cohesively. It shouldn't though be underestimated the time, effort and resource it has taken to build such a strong relationship. At a time when emergency service resource is depleted and often cannot cope with the demands on service having business contingency for the town is hugely important.

SLCC Commentary on the Case-Study

Whilst this is a Case-Study from the local council sector, it must be recognised that Shrewsbury Town Council is one of the most resourced and skilled councils in the sector, having the capacity to establish such a meaningful working arrangement. What is good about this sector is that councils and in particular clerks are always amenable to sharing best practice, so there is the potential with the right level of support that this kind of model could be cascaded throughout the sector. The SLCC has the added benefit of the Town

Clerk, Helen Ball of Shrewsbury Town Council, being a Board Director of SLCC and she has always been keen to support the sector.