

SOCIETY OF LOCAL COUNCIL CLERKS
RESPONSE TO DRAFT TERRORISM (PROTECTION OF PREMISES) BILL –
STANDARD TIER CONSULTATION

The Society of Local Council Clerks wishes to make representations to the Home Office in relation to its consultation issued on 5 February 2024.

Introduction to the Society of Local Council Clerks

The Society of Local Council Clerks (SLCC) is a membership body for parish, community, town and city clerks in England & Wales. There are more than 5000 clerks in membership and cover the broad range of parish, community, town and city councils across England & Wales. We have clerks representing communities with no more than 100 residents right through to our largest town 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 SLCC works very closely with a number of other national bodies which equally have an interest in this Bill; namely the National Association of Local Councils (NALC), the National Association of British Market Authorities (NABMA) and Action with Communities in Rural England (ACRE). Additionally, some of our members' councils are members of the Local Government Association (LGA) recognising that their needs are often more complex than traditional sector bodies can cope with.

Collaborative Working

Throughout the development of Martyn's Law, we have maintained a strong view that the two main sector bodies (SLCC and NALC) should work collaboratively to support both councils as corporate bodies, their councillors and their clerks/staff to ensure that all are fully engaged with the requirements and rationale for this legislation. We established a joint working group which involves both practitioners,

representatives of small, medium and large councils, trainers to the sector and officers who support the sector. This has allowed us to test out ideas from all who have significant experience of parish councils, the assets they run and the challenges they currently face.

Our overriding approach to this legislation

We have retained the view throughout that this legislation is predominantly focused on prevention and protection and we would not advocate any measures of avoidance. In fact, we feel that it is incumbent on the sector to advocate best practice to ensure that every single patron of a local council owned premises remains safe. We have members who have faced significant trauma during past terrorist activity and their experiences have been hugely insightful.

Engagement with the Sector

As with our response to the original draft Bill, we have polled the sector to gauge their understanding of the proposed changes to legislation and seek their views on rollout. We are happy to share the outcome of both consultation exercises with you if it would help in your understanding of our sector.

We are pleased to report that the level of knowledge and understanding of the proposed legislation has greatly increased since this time last year and many councils have gone further to widen their knowledge through webinars that we have jointly hosted with NALC as well as ones you have hosted through to many clerks and councillors undertaking the ACT E-Learning training to improve terrorism awareness.

Whilst this is extremely pleasing, there remains significant confusion as to what is and isn't in scope of the legislation, whether arrangements for outside events change if the open space is used and managed by a qualifying premises, where potential liability sits in the event there are third parties in hiring premises or even where the parish council is a custodian trustee of a village hall that is managed by an

independent body. We feel further work is needed to support sector understanding and we would welcome further discussions on how that is best achieved.

We reiterate our offer from the last consultation exercise to work with colleagues at the Home Office and such governing bodies as the National Counter Terrorism Security Office (NaCTSO) and the National Protective Security Authority (NPSA) to help shape officers' understanding of our sector and in turn considering the best way of maximising the use of the sector.

Consultation with our Members

In preparation to write this response we sent a questionnaire to all of our members and the following information came from that survey:

Proportionality

Again, much of the commentary within the sector revolves around the proportionality of such measures against the likelihood of a terrorist attack. It should be noted that the majority of village halls are closed to the general public and are only ever opened in the event of the booking and the majority of times that booking does not allow for either implied or express entry to the general public. This therefore raises an interpretation issue around the legislation in that it implies that the public can move freely within public premises; this is not the case with village halls.

Additionally, many of our members reported that whilst the capacity of village halls may often be in excess of 100, they hardly ever have that capacity level in place at any one time.

We would respectfully suggest that village halls should be removed from the scope of this legislation.

We feel this might be the better route than suggestions that the capacity levels generally should be increased to say 200 for we believe that active busy venues that attract 200 people really should have protection measures in place.

Steer Away from Templates

Whilst it was designed to be helpful to premises owners, our members have expressed concerns about the removal of a template approach to the development of open policies and procedures in reducing the risk of physical harm to individuals at the premises in the event of an attack. Given the measures to counter terrorism is very new to our sector as a whole, we feel our members would greatly appreciate the Standard Evaluation Form to ensure a more measured approach to managing risks specific to individual properties. We do worry that there will be a greater propensity to copy others and really not take note of specific measures. **We would welcome a suite of documents that would support the assessment of risk, the procedural measures to be taken and publicity in promoting to wider building usage/knowledge.**

Questions

Whilst the majority of the questions relate to a specific premises, we offer the following commentary:

QC – Capacity Calculations

Our survey would suggest that the majority of parish council premises that are within scope of the Standard Tier fall within the 100-200 mark.

QD – Workers in the Building

Our survey would suggest that, in the majority of cases, there are no workers within village halls. The majority are locked, and a hirer accesses a key from either the clerk or a management committee.

Q1 Obligation around preparedness

Strongly Agree - We believe that this legislation is about prevention and not about avoidance. We would look to develop best practice that encourages all of our members to take necessary steps. We are, however, mindful of the proportionality of such measures.

Q2 Revised requirements

Neither Agree nor Disagree – We accept the level of proportionality but encouraging all parish councils to become terrorism aware through things like the ACT E-Learning Course helps to create a nation which is terrorism aware. As highlighted above, we would prefer to see a template for the Standard Tier to give more confidence in meeting the requirements of the legislation.

Q3 – Feeling of Safety

We feel that the revised arrangements might have the potential for reducing the importance of being terrorism aware within the sector and we are likely to see very wide and varied approaches to procedure.

Q4 – Revised Requirements

We feel that the revised requirements will cause more difficulty for our sector. We have to appreciate that this is a new area of requirement for our sector, and we must engender confidence in being able to comply with the legislation.

Q5 – Unintended Consequences

We think that there will be a repetition of policies and procedures as councils will copy others. This though has the propensity for practitioners not to fully appreciate and understand the best measures for their specific building.

Q6 – Cost of meeting the Standard Tier

We fear that many of our smaller councils will face a burden in terms of the increased hours of work of the clerk who is often the only paid employee and may only work a few hours a week. We certainly would not wish to see forced vacancies should clerks feel this is a further burden.

Q7 – How would Standard Tier costs be met?

Inevitably the costs of hire would have to meet the costs of running a premises. Many of these facilities have faced challenging times since COVID with bookings being reduced.

Q8 – New Approach to Training

We believe that this new approach places a greater burden on training. The ACT E-Learning covers most of the principles for managing a terrorist attack at that local level. By undertaking a nationally recognised course there is a consistency of quality of message.

Q9 - Other Procedures

We feel that by undertaking ACT E-Learning there is an even greater understanding of terror attacks, and it places individuals with greater preparedness to combat a potential attack rather than respond to a specific attack.

Q10 – Greater Burden than Health & Safety & Fire Safety

In the majority of cases, the risk of a Health & Safety breach or fire is going to be far greater than a terrorist attack, but in placing counter terror procedures alongside Health & Safety and Fire Risk it emphasises the importance. Whilst our members are currently telling us that these measures will be difficult to put into place, it is down to the levels of guidance and sector specific training available that will be the telling factor for successful rollout.

Q11 & Q12 – Current responsibility for Health & Safety and Fire Safety Policies

Our survey would suggest that, at village hall level, it is either the clerk, or where there is a management committee, a volunteer who has been recruited due to past work skills. As we have already mentioned, most village halls do not have staff, be it volunteer or paid, operating within the building. The larger the council, the more likelihood that there is specialist staff and, in a lot of cases, consultant specialists in the field. This could have the propensity for commercial gain.

Conclusion

We advocate that if there is a need for legislation to protect the public from terrorist attack, we should embrace it and work with our members to support their needs to comply. It is evident from both our surveys that the requirements of the legislation are not clear and fully understood. Clarity of responsibility must be absolutely clear – what is in and what is out of scope, and whether responsibility lies with the owner of

a premises or the operator or the event organiser. It follows that further guidance and training is going to be critical for smooth delivery.

We reiterate our offer to work with Home Office colleagues on developing sector specific guidance. Crucial for us will be early engagement with the Regulator; we would wish to see very proactive measures to educate and encourage the sector, not to enforce.

Equally, we will gladly make space in our conference programmes should the Home Office wish to promote the rollout of the further.