

## **Background**

In 2022, the government held a consultation on what it called the Protect Duty; this came about as a consequence of the Manchester Arena terrorist attack and subsequent lobbying by one of the victim's parents for new legislation, then referred to as 'Martyn's Law'.

The government published its response to the consultation in late 2022 and made clear it would proceed with legislation.

What you see now is the resulting draft bill. Before it goes to parliament, the Security Minister has asked the Home Affairs Committee to consult widely on it, in part because the government's Regulatory Policy Committee has assessed the bill as 'not fit for purpose', with a red rating for the assessment of direct impact on Small and Micro Businesses (cost, resource).

This means it is worth responding to the consultation, as it may still be possible to influence what the bill ultimately looks like or whether it is taken forward.

This information sheet gives you an overview of the proposed legislation plus some statistics on Making Music members and their use of premises for their activities. You are welcome to use any of this information in your own submissions or to send us your thoughts (see below).

## **What is the Terrorism (Protection of Premises) Act 2023 about? Part 1**

It obliges those in charge of certain premises/events to put in place measures to prevent or mitigate terrorist attacks. More below.

## **Why is this potentially of interest to Making Music members? Part 1**

Making Music members use many of the premises which will be captured by this bill – public spaces with a capacity of 100+ including places of worship, schools, village and community halls. The required measures, including undertaking assessment and planning, and training for staff and volunteers, will be new work and costs for those running these premises. For volunteer-run premises such as community/village/church halls, these additional pressures could mean more premises would close down or not open their doors for public events any longer (e.g. churches).

In addition, members running events for the public may in future be given cooperation notices which make them responsible for carrying out some duties under this bill.

Plus some of our festival members may be captured by the 800+ capacity category of events not held in premises.

More below.

## **What can I do by Friday 23 June when the consultation closes?**

- Read all the information related to the proposed law here: <https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>. And/or read our summary below.

Then

- Respond directly to the consultation (if you do, please do send us a copy of your submission for information). See details and submit here: <https://committees.parliament.uk/work/7670/prelegislative-scrutiny-of-the-terrorism-protection-of-premises-draft-bill/>. It is easy: submit a Word doc of under 3000 words. Tick the box allowing your evidence to be used (or it may be disallowed and not count).
- Or
- Send us your thoughts and we will include them, either anonymously or as a named case study (tell us which it should be), in our submission to the consultation. Please email [barbara@makingmusic.org.uk](mailto:barbara@makingmusic.org.uk) **by 9am Monday 19 June**
  - You can also write to your MP about it now (rather than wait till it arrives in parliament), though that will be probably most effective if they are on the Home Affairs Committee and/or an MP for the current governing party, see the membership list here: <https://committees.parliament.uk/committee/83/home-affairs-committee/membership/> and write to your MP here: <https://www.writetothem.com/>

## What is the Terrorism (Protection of Premises) Act 2023 about? Part 2: more details

### Premises/events included/affected:

- **Standard premises;** i.e. accessible by the public, with public capacity 100-799
- **Enhanced duty premises,** i.e. capacity of 800+
- **Events of 800+ capacity** which are ticketed (whether paid or free) and take place somewhere which isn't a recognised premises (e.g. festival in fenced-off area of park. This does not apply to bandstands etc. where there is no ticketing and no barriers)

### Who is considered to be in charge of premises/events?

- Staff in charge of premises, overall or at events
- Volunteers in charge of premises, overall or at events
- Those in charge of an event who have been given a cooperation notice by the person(s) in charge of the premises; e.g. if a group hires premises and is managing the audience (stewards etc.), then they could be given a cooperation notice detailing what they are expected to adhere to or do; may include training requirements

### What will need to be done to comply?

So far, the draft requirements for Standard premises have been published, they include:

- A standard terrorism evaluation
- A draft template has been published for this; a three step plan: THINK, PLAN, ACTIVATE
  - o THINK would include finding out (e.g. via training or online research on suggested websites) what the actual or potential threats for the premises or nearby may be; training/info would probably be provided for free and be online
  - o PLAN would include completing a mandatory evaluation template recording the answers and actions under six points

- ACTIVATE would include communicating that plan to relevant staff or volunteers or people running an event in the registered premises
- The plan needs to be reviewed every 12 months
- There is a duty for the premises to provide terrorism protection training to 'relevant workers' including volunteers. The explanatory notes say that: "It is expected that they will be able to utilise free terrorism protection training materials" but there is no detail on this. It is also unclear if training would be required just for the people in charge of premises or anyone involved in live event stewarding.
- Standard and Enhanced Duty premises and non-premises events of 800+ need to be registered with a new regulator which will be created

### **What are the consequences of non-compliance?**

- The new regulator can also enforce
- There could be restrictions and notices for improvement
- Non-compliance could lead to financial penalties, up to £10k for standard premises
- Non-compliance could lead to a criminal record

### **Why is this potentially of interest to Making Music members? Part 2**

These are the government's own estimated numbers of premises relevant to Making Music members which would be covered by this law. They would all fall under the Standard premises regime, because schools, regardless of capacity, and churches/places of worship, regardless of capacity, will always be counted as Standard premises (except where they charge admission):

- Village Halls – 3,592
- Places of Worship – 44,476
- Educational establishments – 29,562
- Festivals – 975

#### Notes:

- ✓ This is based on 2002 Home Office data which does not ring true as far as village/ community halls or festivals are concerned and is 20 years out of date.
- ✓ The cost per standard premises is estimated by the government at £2,160 over 10 years and per enhanced premises at £82,325; this does not include volunteer time; does this mean costs for groups hiring premises would further increase?
- ✓ We are not sure and would question whether large places of worship with a capacity of 800+ would (despite being 'normally' a Standard premises) count as Enhanced Duty premises if hired out to a group charging for entry with tickets for a concert

#### Statistics of Making Music member groups using different premises:

- Who are our members? 4,000 members; in all 4 nations of the UK from Cornwall to the Shetland Isles; in cities, towns and villages; 58% Vocal; 32% Instrumental; 10% Promoters; Average group size – 57
- Big Survey 2022 data on use of venues:

- 913 responses, 23% of membership
- Top 3 types of spaces for music groups to meet regularly are
  - churches/ church halls (54%)
  - schools and other educational establishments (21%)
  - community or village halls (15%)
- These are used by 90% of groups
- Others include: other Local Authority owned space, cultural venue (not LA owned), private club/hall (social club, scout hut)

Points we have noted:

- **Indirect potential major effect.** Whilst supposedly light touch for venues of 100-799 capacity (standard premises), the bill does place additional burdens on people responsible for premises (whether they are paid employees or volunteers), and we worry that that would mean even more spaces and venues run by volunteers would simply close because the volunteers are buckling under the weight of regulation and responsibility.
  - Suitable spaces are already in short supply and under threat from funding issues of their owners (local authorities; churches of various denominations; rising costs, e.g. for energy and staff); this will not help, it will exacerbate the situation
  - Fewer spaces would have negative repercussions on community life, place-making and regeneration, local economies, and individual health and well-being
- **Indirect potential effect.** There will also be costs associated with meeting the requirements of the bill, although these are intended to be 'low-cost activities' The current model is that training materials will be provided for free, although this is not guaranteed in the draft bill. But currently costs for premises are very high, and being passed on to our member groups as higher letting fees. Is this one more cost that will drive hire fees up?
- **Potential direct effect.** We are concerned about the proposed 'cooperation notices' which those in charge of registered premises could give to organisations running public events in their premises which would require them to take on a share of the duties.
  - The draft legislation emphasises both that responsible persons can't just cascade their responsibility away from themselves and that the duties passed on to others should be proportionate and not place an undue burden on them; however, that may turn out an area of difficulty in terms of interpretation or implementation
- **Potential direct effect.** We are also concerned that some of our members may be captured by the 800+ events bracket if they operate ticketed festivals in open spaces. Please note this category only applies to fenced off areas/events, not, for instance, to the bandstand or a group busking
- **Some other points:**
  - No other country has such a law or even a comparable one
  - This will be expensive for the government to set up and run, especially if they do mitigate the costs to Micro and Small Businesses by funding, e.g. free training and other resources; the (financial) benefit is difficult to assess, understandably, as terrorist events vary so greatly, and the social benefit – so the assessment concludes – is not measurable
  - The bill is currently set to go before parliament in 2025 (after a general election, for which the latest time is January 2025)
  - There would be a transition period of 2 years