

It is important to remember

The advice we give in today's webinar is based on the guidelines as of 27th November 2024

Disclaimer

This presentation and any accompanying notes are made available on the basis that no liability is accepted for any errors of fact or opinion they may contain. Professional advice should be obtained before applying the information provided in this presentation in particular circumstances.

A helping hand for your business

From rradar

Presented by:

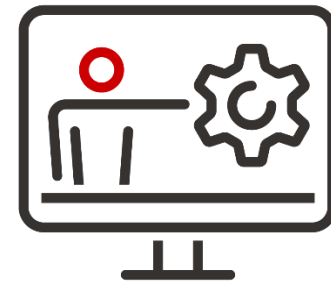
Stephanie Thirlwell – Head of Insured Regulatory

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**This webinar is designed to give
you a better understanding of
Martyn's Law.**

A few points to note



The webinar will be recorded so
It can be shared afterwards.



Feel free to ask questions via
The chat function



Please keep your
microphones muted



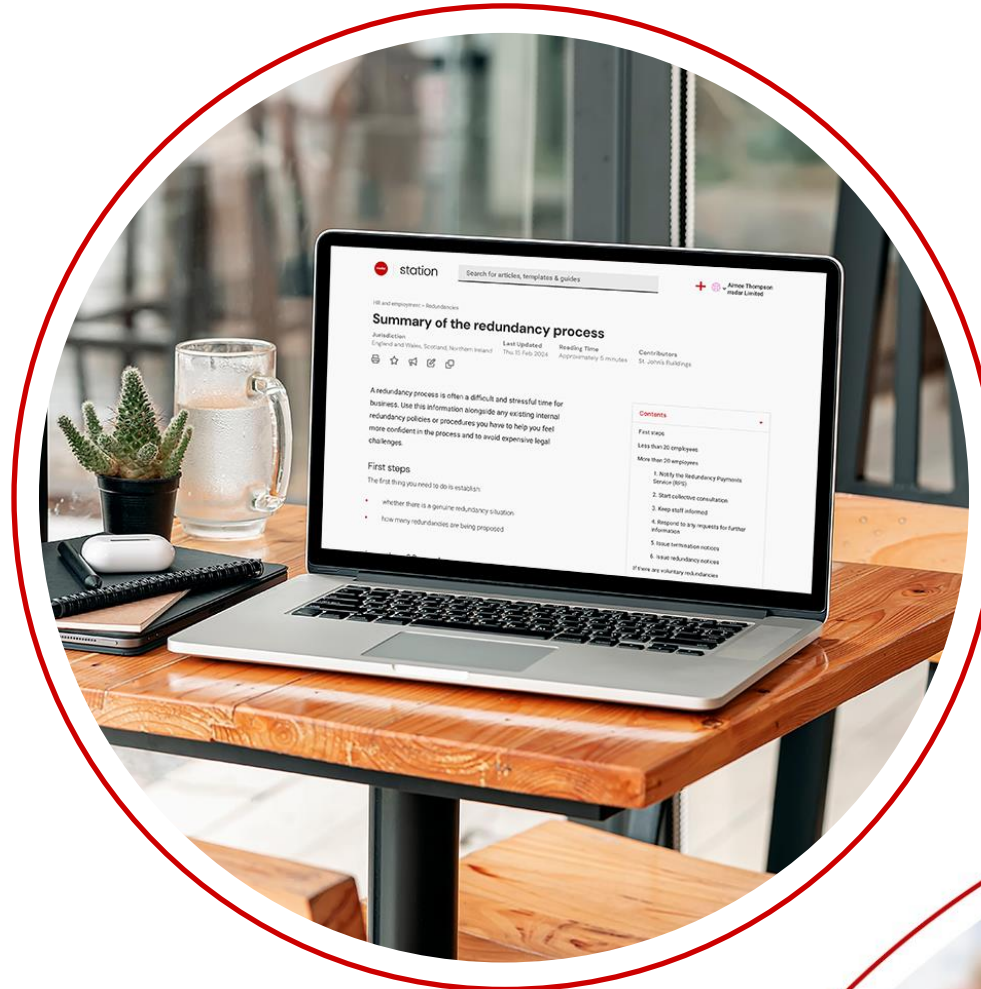
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Welcome

What we will cover:

- An introduction to Martyn's Law.
- What to expect when the law comes into force and what it could mean for our clients.
- What enforcement measures could we expect to see?
- Advice and guidance for businesses.



Who are we?

A legal enterprise dedicated to navigating business risk

We bring together the best minds in legal, digital, data and management information expertise to offer services from legal to risk management and beyond.





Established in **2012**



7 offices across the UK



Over **250+** employees



Helping over **135,000** clients



6,000+ contact points every week



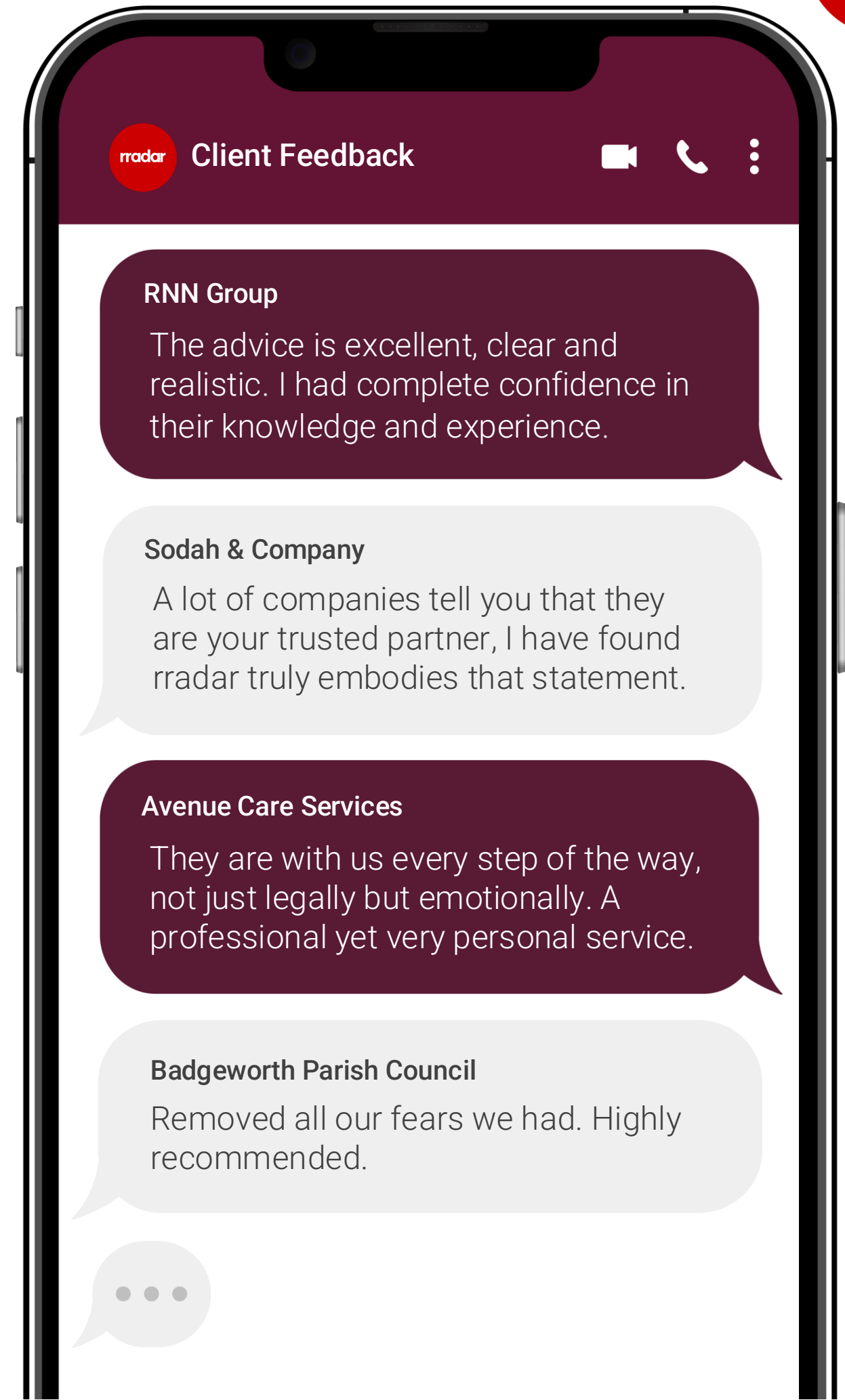
Proprietary **technology** platform



A **Top 250 Times Best Law Firm 2015**



Global strategic partnerships



rradar Client Feedback

RNN Group
The advice is excellent, clear and realistic. I had complete confidence in their knowledge and experience.

Sodah & Company
A lot of companies tell you that they are your trusted partner, I have found rradar truly embodies that statement.

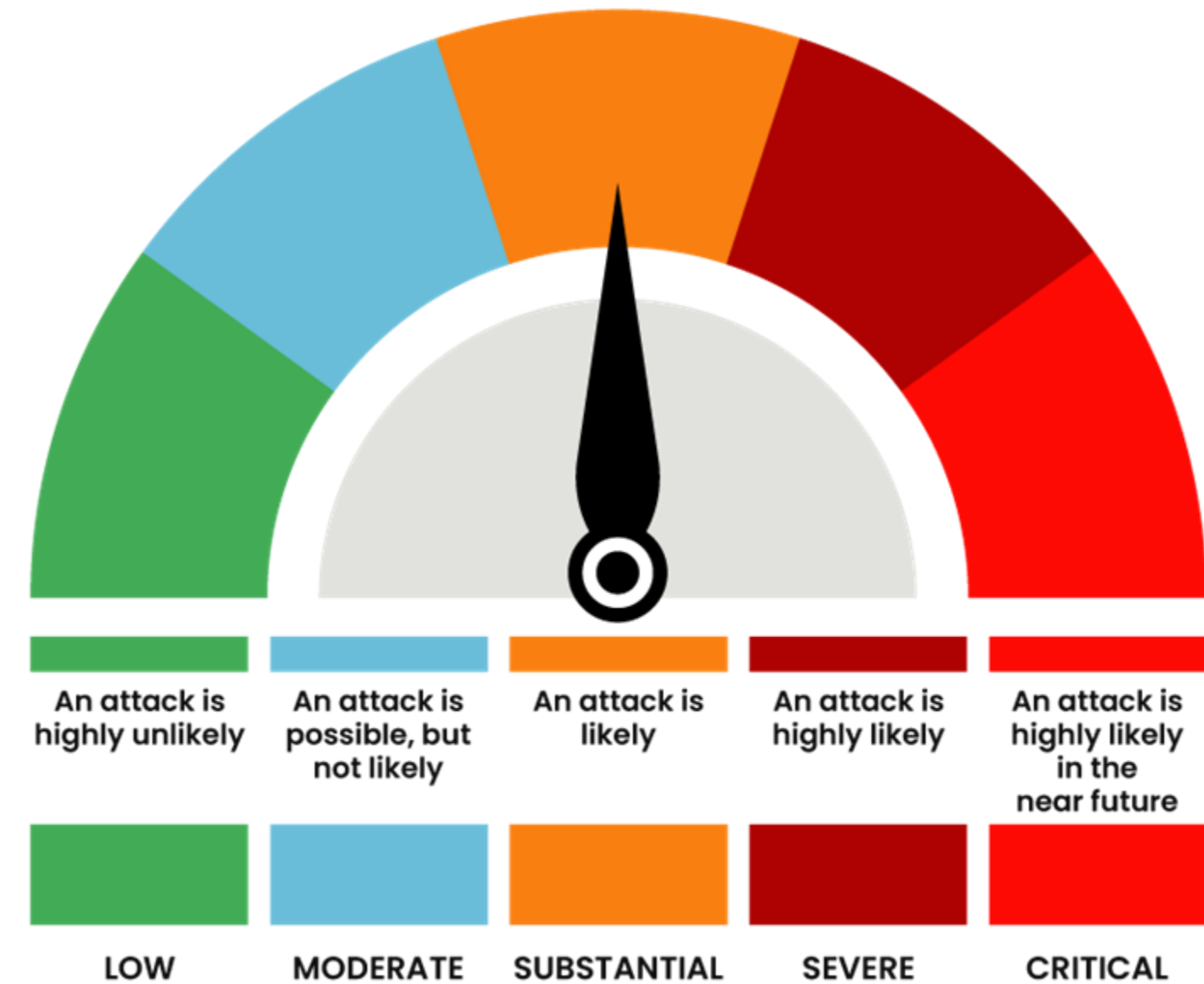
Avenue Care Services
They are with us every step of the way, not just legally but emotionally. A professional yet very personal service.

Badgeworth Parish Council
Removed all our fears we had. Highly recommended.



Introduction to Martyn's Law

- The Terrorism (Protection of Premises) Bill is referred to as Martyn's Law.
- Why do we need Martyn's law?
- Current national threat level is SUBSTANTIAL meaning an attack is LIKELY.



History of Martyn's Law

- The History of Martyn's Law and what it seeks to achieve.
- Businesses must now consider third-party risks as well as their own.
- Creating consistency in approach.
- Forcing businesses to have a plan.



What to expect when the law comes into force and what it could mean for our clients

Through Martyn's Law there will be a requirement on all businesses falling within scope to be better **prepared**, be ready to **respond** and to **train** their staff what to do if there were to be an attack.

Requires a base level of security in public spaces and at events.

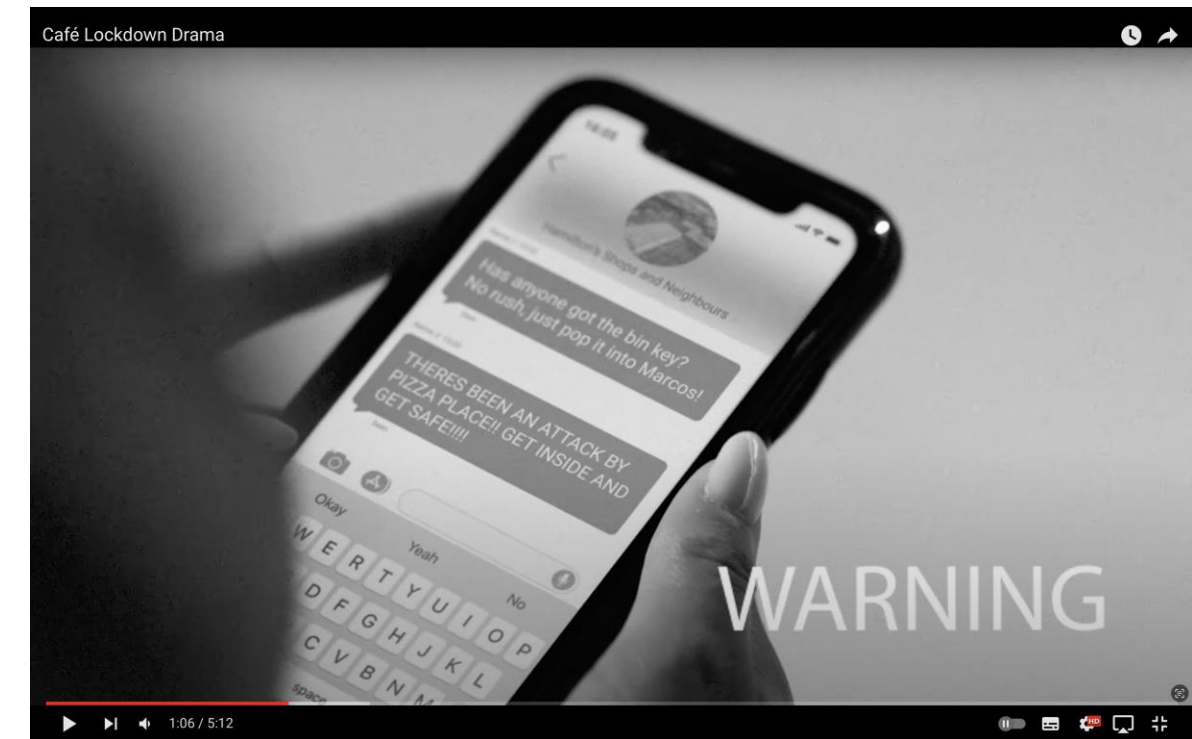
There are two types of duty, a standard duty and an enhanced duty.

The bill appoints the Security Industry Authority as the regulator. The SIA however does not have powers under the Regulation of Investigatory Powers Act. Previous versions allowed for a regulator with powers to inspect and to enforce the scheme.

Who will be in scope?

To be in scope:

- ✔ Premises and events must be accessible to the public.
- ✔ Premises must be used for a purpose “a qualifying activity” listed in the Bill (e.g. entertainment and leisure, retail, food and drink).
- ✔ There must be “express permission” to enter.
- ✔ Have a capacity of **200** or more individuals.
- ✔ Premises may be a building or outdoor location which have an identifiable physical boundary and access by express permission.
- ✔ Provision is made in the Bill for temporary events such as festivals that have express permission to enter and a capacity of 800 or more individuals.



Café Lockdown example included in follow up

How has the Terrorism (Protection of Premises) Bill changed?

- The addition of Reasonably Practicable in both tiers.
- The increase in Standard Tier threshold.
- The Standard Tier threshold is raised from 100-200.
- The move from 'capacity' to 'reasonable expectations'.
- The announcement of the SIA as the regulator.

The Tiers

The Standard Tier

- Premises with a maximum capacity of 200- 799 individuals, e.g. many retail stores, village halls, bars, restaurants and theatres.
- The new version of the legislation has been developed considerably since the original 2023 version. Standard Tier obligations are pragmatic, achievable and business friendly.

The Enhanced Tier:

- Premises with a capacity of 800 or more individuals, e.g. large shopping centres, concert halls and sports stadiums. The Enhanced Tier also includes certain temporary events with equivalent capacity.
- Calculating capacity – By considering 'reasonable expectation'.

Advice and guidance for standard tier businesses

- Notify the regulator that they are responsible for standard tier premises.
- Understand the different types of terrorist attacks and risk of harm.
- Put in place 'appropriate and reasonably practicable' public protection procedures (as set out in Clause 5 of the Bill). Consider:
 1. **Evacuation:** The process of getting people safely out of the premises.
 2. **Invacuation:** The process of bringing people safely into, or to safe parts within the premises.
 3. **Lockdown:** The process of securing the premises to ensure that the entry of any attacker is restricted or prevented e.g locking doors, closing shutters or using barriers.
 4. **Communication:** The process of alerting people to the premises to move them away from any danger.
- The bill does not require any physical alterations or the purchase of equipment at standard duty premises. Simple, low-cost activities surrounding Policy and procedures to reduce the risk of physical harm in the event of an attack. The aim is to improve staff preparedness and responses.
- All workers must be aware of the procedures so they can be put into practice.
- Procedures must be reviewed annually.

Advice for enhanced tier businesses

- More structured advice for businesses falling into the enhanced tier.
- Requirements are more significant – reflecting greater impact of a successful attack at higher capacity premises.
- Notification and requirement to understand risk (types of attack and measures needed to mitigate the risk).

All enhanced tier businesses are expected to have in place:

- Designated Senior Individual where the responsible person is a corporate body – ensuring that the responsible person complies with regulatory requirements and ensuring senior management are involved in decision-making.
- Public Protections Measures tailored to their event or premises e.g training, cctv, bag search policy.
- Measures in relation to monitoring premises or event – identifying and reporting suspicious behaviours.
- Measures in relation to controlling the movement of individuals into and out of the premises, reducing vulnerabilities.



Advice for enhanced tier businesses (cont.)

- Measures in relation to physical safety and security – strengthening premises and structures to mitigate impact of an attack.
- Measures in relation to the security of information which may assist in the planning, preparation or execution of acts of terrorism.
- Procedures for documenting compliance – including detail to allow SIA to evaluate compliance. If there is a revision of the document, it needs to be sent to the SIA within 30 days.

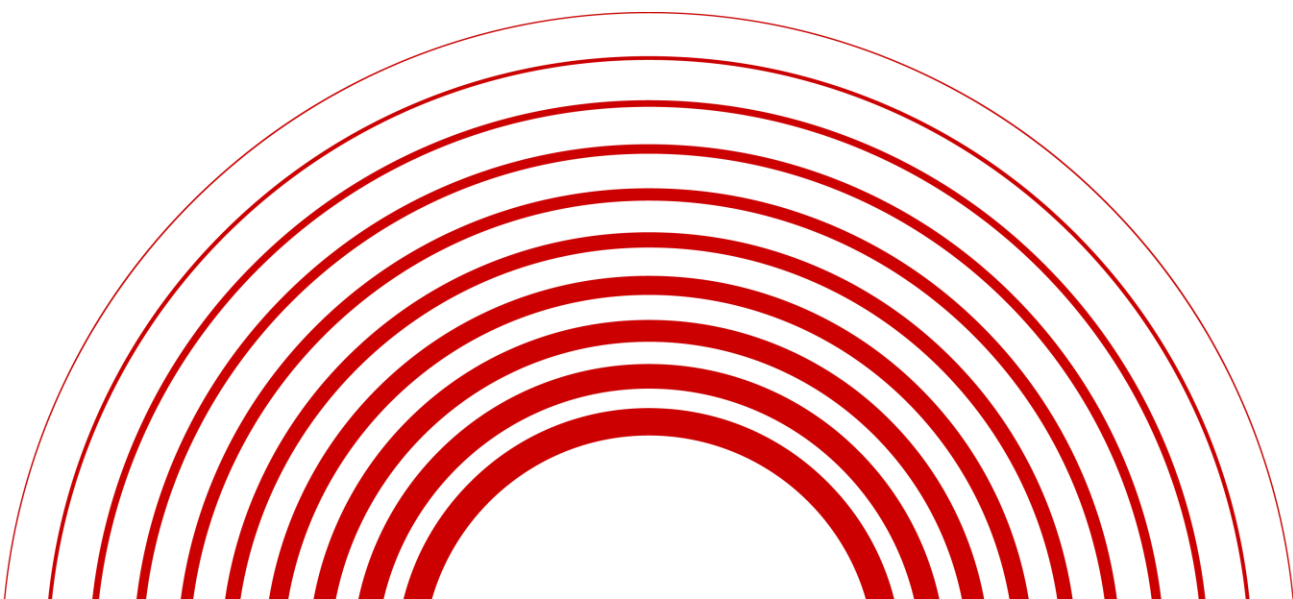
In summary

- A responsible person.
- Risk Assessment Process.
- A Security Plan – reasonably practicable mitigating security measures (that are recorded and auditable).



Obligations on businesses when the law comes into force

- Registration: the responsible person must notify the regulator of any qualifying public premises or qualifying event
- Evaluation and assessment of terrorism risk:
- Put in place reasonably practicable public protection measures dependant on the size and scale of the premises/event.
- Provision of training: the responsible person must make sure workers have completed any relevant training.
- Designated senior individual where responsible person is a corporate body: enhanced duty premises and qualifying events must appoint an officer who will be responsible for the co-ordination of risk assessments and preparation of security plans
- Security plans: must be prepared, maintained and passed to the regulator and any revisions sent within 30 days
- Cooperation: Ensure you co-operate with third parties where reasonable to do so.



What is 'reasonably practicable'?

The Government has provided examples for different types of premises which set out its expectations in relation to standard duty premises.

Example 1

A 200-capacity shop may assess that it is appropriate and reasonably practicable to put in place the following public protection procedures:

- **Evacuation:** there will be one route through the main entrance that leads into the car park at the front of the shop and another through the back door that leads into an exterior area.
- **Invacuation:** bring individuals into the main floor of the shop and into the back storage room, that has secure windows and a modern lock that is routinely checked.
- **Lockdown:** a sophisticated process would not be required. As such, it is sufficient for a nominated person to simply use the lock on the front door in the event of an attack occurring outside.
- **Communication:** met by setting out the above procedures in a one-page summary and circulating with relevant individuals that work at the shop.
- **Supporting activities:** a poster summarising the procedures is placed in a private staff area of the shop and a landline is present.

The procedures are reviewed annually.

Example 2

('Reasonably practicable' in the context of enhanced duty premises)

A 1,200-capacity theatre may take forward the following activities in relation to implementing their public protection procedures and measures:

- Developing and implementing lockdown, evacuation and invacuation plans for public protection and ensuring that they are routinely rehearsed.
- **Training** - Ensuring that induction and probation periods for new staff include awareness training packages for all those working at the theatre in roles relating to safety, security and counter-terrorism.
- Developing policies for perimeter and entry checks as well as queue management and ticket checks.
- **Communication** - Using internal radio systems and mobiles for communication between relevant individuals working at the theatre.
- Introducing interim tabletop activities and walk-through scenarios that are designed and led by designated individuals.
- Employing a mixture of salaried and contracted door staff for inside the theatre and in box office areas depending on event.
- Developing adequate policies for suspicious or restricted items including bag checks and storage.
- Having effective CCTV with an adequately staffed monitoring and control room.

What enforcement measures could we expect to see?

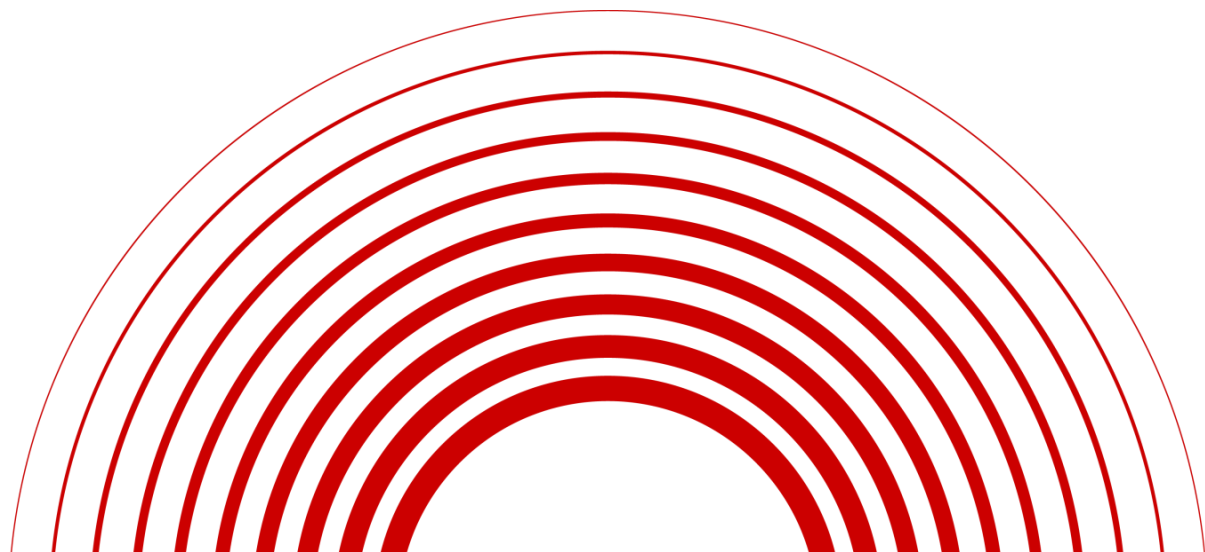
Regulator: The Security Industry Authority

Powers

- to advise on compliance and to evaluate appropriate measures to mitigate risk.
- require the provision of information by notice.
- apply for a warrant to enter premises, or enter without a warrant on at least 72 hours' notice.

Enforcement: notices and restrictions

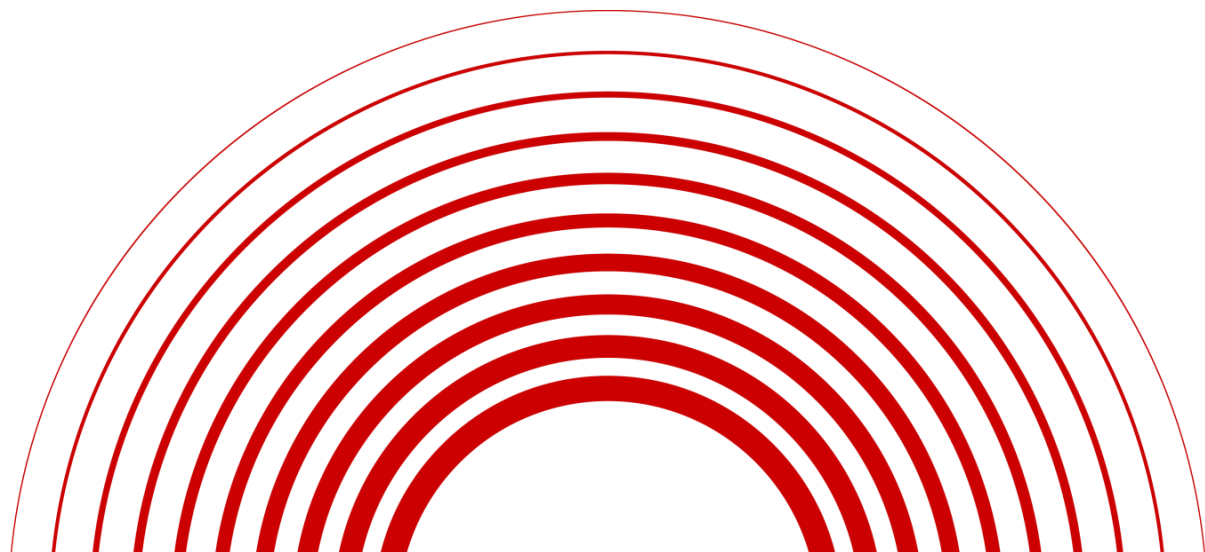
- The regulator could restrict a qualifying event or use of an enhanced duty venue if there are reasonable grounds for believing there is a contravention and that it was necessary to protect the public from terrorism.
- Criminal offences: it will be an offence to fail to comply with an information notice, provide false or misleading information, obstruct the SIA or impersonate an inspector. Offence can be heard in the magistrates or Crown Court and can carry a fine/and/or imprisonment.
- It will be an offence to fail to comply with a compliance or restriction notice where issued in relation to enhanced duty premises or qualifying event.
- Penalty notices can be issued for non-compliance.
- SIA guidance will be issued with regard to how it will exercise enforcement powers.



Monetary penalties

Monetary penalties

- Regulator can issue a penalty notice to someone who has failed to meet the requirement imposed by the bill
- The maximum amount for standard duty premises would be £10,000. The maximum for an enhanced duty premises or qualifying event would be the greater of £18 million or 5% of person's worldwide revenue



Questions remain

Will these measures prevent an attack?

Some wanted a more generalised Protect Duty to be enforced through existing regulatory regimes (such as the premises licensing system).

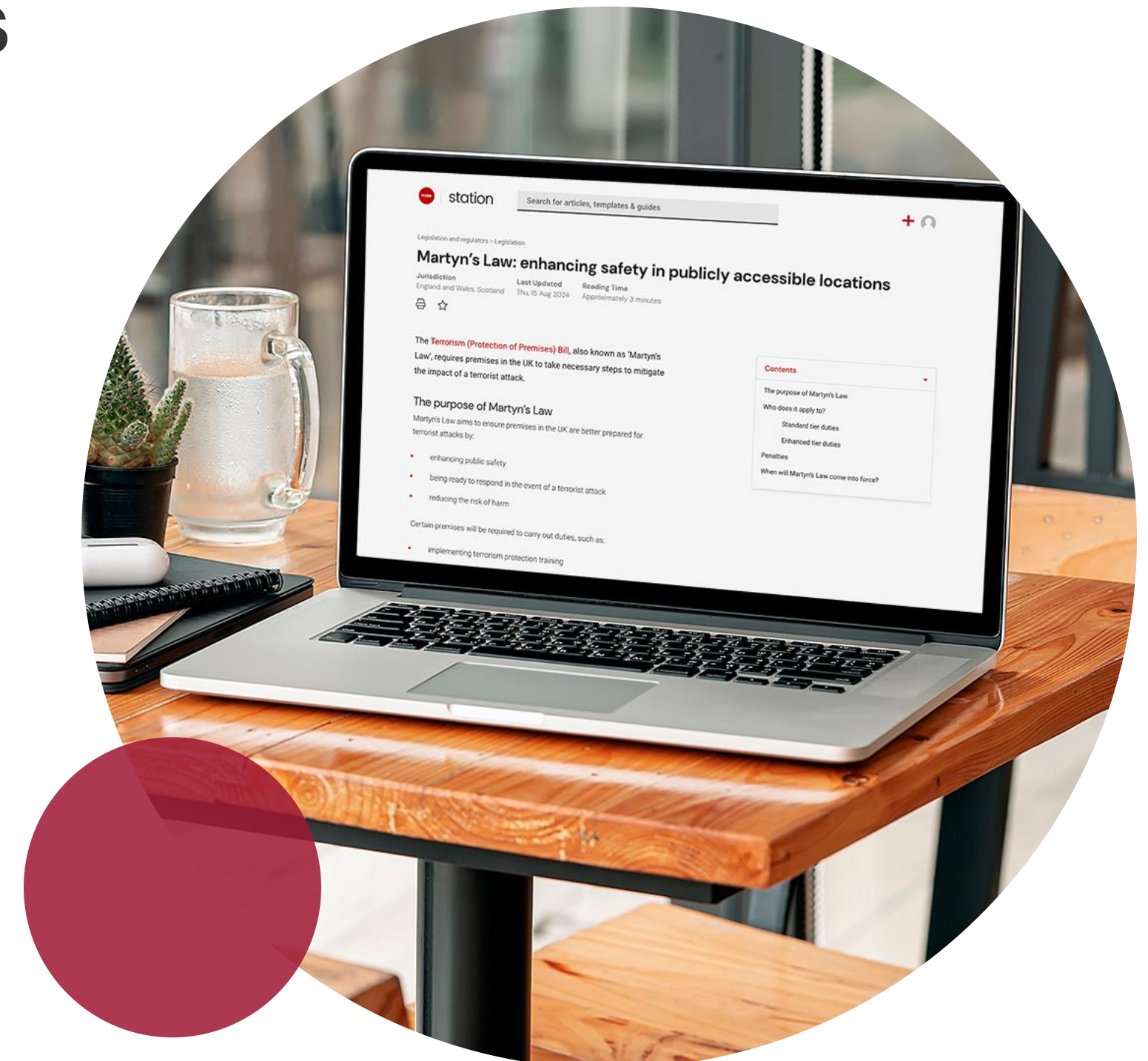
The Bill is the Government's attempt to balance the need to protect the public against very real terrorist threats with the costs on businesses of taking measures that achieve that end.

Whether it achieves its aim, and at what cost, remains to be seen. It is certainly within our interests to do whatever we reasonably and professionally can to make Martyn's Law a success.



Proposed changes for Management Liability Policyholders

- ✔ Policy already covers defence costs in an investigation or in enforcement action by an official regulator – no planned wording change.
- ✔ Tailored content, advice and education readily available through rradarstation and Legal Advisory Service, webinars etc.
- ✔ rradar legal teams aware of legislation and obligations.
- ✔ rradar 24/7 Emergency Crisis Line.
- ✔ Business risks will substantially increase if they fail to prepare for the legislation.
- ✔ Dedicated and simple Government guidance for duty holders – businesses will be expected to read it.



Resources

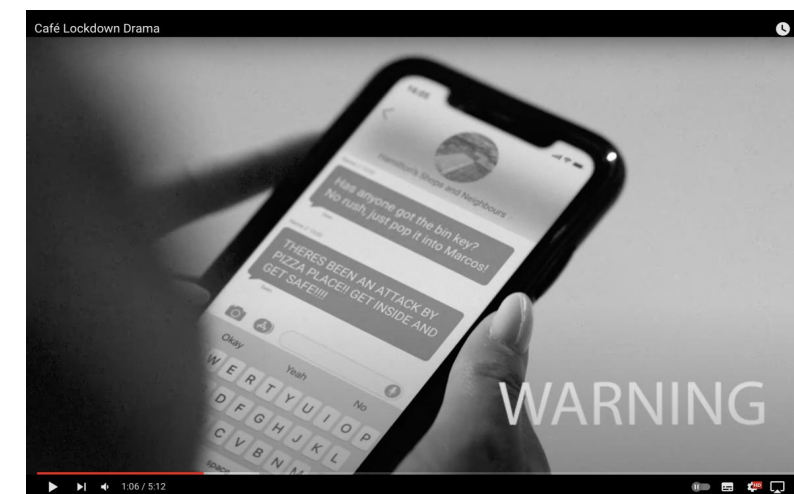
- Encourage all businesses to visit the ProtectUK site for free advice and training
- Encourage everyone to watch the **Café Lockdown Example and See Check and Notify (SCaN for all staff)** video
- Consider Government factsheets www.gov.uk/government/publications/terrorism-protection-of-premises-bill-2024-factsheets

Useful links:

www.protectuk.police.uk

www.gov.uk

www.rradar.com



Any questions?
Please submit these in the chat.

Thank you for listening

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