

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

TERRORISM (PROTECTION OF PREMISES) BILL

Third Sitting

Thursday 31 October 2024

(Morning)

CONTENTS

CLAUSES 1 and 2 agreed to.
SCHEDULE 1 agreed to, with amendments.
SCHEDULE 2 agreed to.
CLAUSE 3 agreed to, with amendments.
CLAUSES 4 to 10 agreed to.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 4 November 2024

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The Committee consisted of the following Members:

Chairs: SIR EDWARD LEIGH, † DAME SIOBHAIN McDONAGH

Bishop, Matt (<i>Forest of Dean</i>) (Lab)	† Murray, Chris (<i>Edinburgh East and Musselburgh</i>) (Lab)
Entwistle, Kirith (<i>Bolton North East</i>) (Lab)	† Rand, Mr Connor (<i>Altrincham and Sale West</i>) (Lab)
Farnsworth, Linsey (<i>Amber Valley</i>) (Lab)	† Roca, Tim (<i>Macclesfield</i>) (Lab)
† Jarvis, Dan (<i>Minister for Security</i>)	Smart, Lisa (<i>Hazel Grove</i>) (LD)
† Jones, Louise (<i>North East Derbyshire</i>) (Lab)	Snowden, Mr Andrew (<i>Fylde</i>) (Con)
† Kumar, Sonia (<i>Dudley</i>) (Lab)	† Tugendhat, Tom (<i>Tonbridge</i>) (Con)
Lam, Katie (<i>Weald of Kent</i>) (Con)	† Waugh, Paul (<i>Rochdale</i>) (Lab/Co-op)
† Maguire, Ben (<i>North Cornwall</i>) (LD)	Kevin Candy, Chris Watson, Sanjana Balakrishnan, <i>Committee Clerks</i>
† Mather, Keir (<i>Selby</i>) (Lab)	† attended the Committee
† Mohindra, Mr Gagan (<i>South West Hertfordshire</i>) (Con)	

Public Bill Committee

Thursday 31 October 2024

(Morning)

[DAME SIOBHAIN MC DONAGH *in the Chair*]

Terrorism (Protection of Premises) Bill

11.30 am

The Chair: Good morning, everybody. I begin with a few preliminary reminders. Please switch electronic devices to silent. No food or drinks are permitted during sittings of the Committee, except for the water provided. *Hansard* colleagues would be grateful if Members emailed their speaking notes to hansardnotes@parliament.uk or, alternatively, passed them to *Hansard* colleagues in the room.

We now begin line-by-line consideration of the Bill. The selection list for today's sitting is available in the room and shows how the selected amendments have been grouped for debate. Amendments grouped together are generally on the same or a similar issue. The selection list shows the order of debates. Decisions on each amendment are taken when we come to the clause to which that amendment relates. Decisions on new clauses will be taken once we have completed consideration of the existing clauses of the Bill.

Clause 1

OVERVIEW

Question proposed, That the clause stand part of the Bill.

The Minister for Security (Dan Jarvis): It is a pleasure to serve under your chairship, Dame Siobhain. It is good to see the shadow Minister, the right hon. Member for Tonbridge, in his place. He and I have known each other for a very long time, and as this may be our final exchange—

Tom Tugendhat (Tonbridge) (Con): It will be.

Dan Jarvis: Well, as it sounds as though it will be our final exchange, I take this opportunity to thank the right hon. Gentleman for his service and wish him well for the future.

The purpose of clause 1 is to aid the reader of the Bill to understand its content and structure, which I am sure will be a great relief to members of the Committee as we debate the Bill. As the clause provides an overview of the Bill, this seems an appropriate moment to set out a reminder of why we have sought to legislate.

The first responsibility of any Government is to keep the public safe; that is, and will always be, our No. 1 priority. Since the start of 2017, agencies and law enforcement have disrupted 43 late-stage plots, and there have been 15 domestic terror attacks. As the MI5 director general, Ken McCallum, set out last month, this country is today subject to

“the most complex and interconnected threat environment we’ve ever seen.”

As can sadly be seen from recent terrorism incidents, the public may be targeted at a wide range of public venues and spaces. We know, too, that the terror threat has become less predictable and potential attacks harder to detect and investigate. That is why those who run premises and events need to know what they can do, and what they should be doing, to keep the public safe. That view is supported by inquests and inquiries into terror attacks, which have recommended the introduction of legislation to improve the safety and security of public venues. That includes, but is not limited to, monitored recommendation 4 in volume 1 of the Manchester Arena inquiry.

The purpose of the Bill is to ensure that appropriate procedures are in place, or appropriate measures taken, to keep us safe. Wherever people are and whatever they are doing, they deserve to both be and feel safe, ensuring protection of life and of our way of life.

While we recognise that the risks posed by terrorism are already proactively considered for some premises and events, there is a lack of consistency, which needs addressing. The Terrorism (Protection of Premises) Bill—Martyn’s law—will remedy that inconsistency. The Bill’s proposals have been subject to extensive development, and a draft version of this legislation was subjected to pre-legislative scrutiny under the previous Government. Indeed, the shadow Minister gave evidence to the Home Affairs Committee on that matter.

The Bill that we have brought forward has been adjusted to strike an appropriate balance between protecting the public and avoiding an undue burden on premises. We recognise that a one-size-fits-all approach would not be suitable for all premises and events, which is why, for example, we have adapted the Bill’s requirements to include the “reasonably practicable” test. That will enable those responsible for qualifying premises or events to take into consideration what is within their control and the resources they have available to them, as well as what is suitable and appropriate for their venue.

I take this opportunity to pay tribute once again to Figen Murray, from whom we heard so movingly on Tuesday. She has without doubt been the driving force behind this Bill. I am sure that all Committee members will agree that Figen is an inspiration to us all. With that, I look forward to the exchanges to come in the course of proceedings in this Committee.

Paul Waugh (Rochdale) (Lab/Co-op): I would like to start with something that Figen Murray said this week in her evidence to us, which, as my hon. Friend the Minister said, was incredibly powerful:

“Martyn’s law will save lives.”—[*Official Report, Terrorism (Protection of Premises) Public Bill Committee, 29 October 2024; c. 7, Q1.*]

That is what she said, and that is what will happen.

As the Minister has pointed out and as Ken McCallum of MI5 has put so powerfully, the number of foiled plots shows that, sadly, the terror threat is not going away but getting more intense. That puts even more of an onus on all of us to keep the public as safe as possible, especially when they are at their most vulnerable—simply going on a night out to enjoy themselves. I think I speak for all members of the Committee when I say how moving it was to hear Figen read out the names of all the individuals who lost their lives in the Manchester Arena bombing.

Like many Greater Manchester MPs, I know that many of my constituents in Rochdale will welcome the Bill, not least because many of them regularly go to the Manchester Arena—indeed, many were present on that awful night in 2017. Brendan Cox put it perfectly when he said that

“nobody wants to have a law named after their child.”—[*Official Report, Terrorism (Protection of Premises) Public Bill Committee, 29 October 2024; c. 8, Q1.*]

It is a tribute to both him and Figen that they have turned their own losses into campaigning to make sure that no other families suffer at the hands of terrorists.

We as a Government are also bringing in Awaab’s law, named after two-year-old Awaab Ishak, who died when he was exposed to mould at his family’s home in Rochdale. We are creating new duties on private landlords to make sure that no other child dies in the same way. And, of course, there is the Hillsborough law: a duty of candour on all public bodies to ensure that the state can never again fail to comply with public inquiries or deny bereaved families the right to fair legal funding. What links each of those pieces of legislation is that they have been driven by the sheer determination of individuals—of those who have suffered a loss but are determined to turn that into something positive for others.

As the inquiry into the Manchester Arena bombing found, both the state and the private sector have more to do to make our public venues safer. This Bill at least makes a real start on delivering that change. Andy Burnham was right when he said that Manchester and Greater Manchester have shown resilience since the 2017 bombing. I would add that the city showed similar resilience after the 1996 IRA bombing, turning that awful event into a catalyst for the regeneration that we have all seen since.

With Martyn’s law, we can make our public spaces across the country more resilient. We expect public premises to have a fire safety plan, so it seems obvious to expect them to have plans in place to mitigate the threat of a terror attack. This version of the Bill recognises the need to balance safety with proportionality, while retaining flexibility to amend that proportionality at a later stage if that is needed.

Manchester’s experience of a voluntary version of this Bill has shown that if smaller venues are engaged with and supported in the right way, these changes can help our thriving night-time economy and do not hinder it. But it is simply unacceptable that, for bigger venues in particular, there has been inconsistency on whether they have strong enough security checks. The terrorists will win if they restrict our freedoms to do simple things such as going out to enjoy a concert or show. We can reduce that fear—the fear that all those terrorists feed off—if we make our public venues safer in the way the Bill intends.

Ben Maguire (North Cornwall) (LD): I really welcome the bipartisan work that the Minister has done on this legislation and also welcome the Conservative party support. I would like to add the Liberal Democrats’ wholehearted support for this important legislation. However, I would like to flag with the Minister my concerns about training, or the lack thereof, under the Bill at the moment. I would like to work with him to explore that area in a bit more detail. That issue has certainly been raised a lot by constituents when it comes

to smaller venues just over the 200-people threshold. I would like to clarify that in more detail before we reach Report. The hon. Member for Rochdale rightly raised the comparison with other safety procedures, such as fire. That is a powerful point, but I add that often those fire safety procedures come with training programmes for the staff responsible. I sound that note of caution.

I pay tribute to Figen Murray, Brendan Cox and everyone the Committee has heard from. I again give my wholehearted support for the legislation.

Sonia Kumar (Dudley) (Lab): Clause 1 offers a comprehensive overview of the Bill’s structure, laying the foundations for essential protections across public venues. The Bill introduces a two-tier system, distinguishing between “standard duty” and “enhanced duty” premises, based on venue size. That tiered approach ensures that venues expecting 200 to 799 attendees may face manageable requirements, if needed, focusing on basic but effective protective measures that respect available resources. Meanwhile, venues expecting more than 800 attendees are subject to higher standards, proportionate to the risk.

Witnesses such as Matt Jukes, assistant commissioner for specialist operations in the Metropolitan police, said that

“the proposed measures in the Bill...are proportionate, and highly likely to be effective.”—[*Official Report, Terrorism (Protection of Premises) Public Bill Committee, 29 October 2024; c. 29.*]

Another witness, Keith Stevens, the chair of the National Association of Local Councils, talked about the village halls where many parish and town councils meet, and was pleased that the threshold has now been lifted to 200 because that is proportionate. Those and other witness statements demonstrate that the balance of measures in the Bill will help prevent small venues from becoming overburdened, aligned with the Government’s commitment to proportionality and public safety.

By providing clear and adaptable guidelines, clause 1 provides an overview to the Bill that enables venues to enhance security in ways that suit their unique operational needs, promoting safer and more resilient public services across the UK.

Tim Roca (Macclesfield) (Lab): I think I am right in saying that the right hon. Member for Tonbridge is withdrawing his amendment.

Tom Tugendhat: No, I am not withdrawing it; I am just not moving it.

Tim Roca: Fair enough. But I will speak to clause 1 of the Bill. I will focus on small businesses, because we heard a lot in the evidence session about the impact on them. They are the lifeblood of our economy and key contributors to keeping our high streets vital and thriving.

It is important to reflect on the evidence we heard about the impact that the Bill will have on small businesses, particularly what Mayor Andy Burnham said about the experience they have had in Greater Manchester already. The city council in Manchester held partnership sessions with large and small businesses alike—over 2,000 people across 10 sessions representing 700 businesses. They then held the tabletop discussions that Figen Murray talked about, including with large spaces such as the

[*Tim Roca*]

Printworks, all the way down to small independent restaurants. The response of those businesses was clear. They believe that there is a need for the legislation, and they do not believe that the provisions are prohibitively onerous. They believe that, at most, it would cost them two hours of staff time.

I will quote from Gareth Worthington, the night time economy officer at CityCo and Manchester business improvement district, which I am happy to place in the Library:

“If a venue operator does not know how to evacuate their venue they should not be running that venue and if training can be provided to help make that evacuation safer then venues should grasp it with both hands.”

Businesses recognise that their first duty is to keep their patrons safe, and that sensible practical measures can be taken to reduce the chance of harm. Businesses are aware of the threats out there. The Minister alluded to those when he spoke: 43 late-stage terrorist plots foiled, and in the last year the number of state-threat investigations launched by the security services increased by 48%. The practical measures in the Bill are necessary, reasonable and proportionate.

Finally, I want to talk about Figen Murray, as she is one of my constituents. I cannot put it better than the way Mayor Andy Burnham phrased it:

“Figen responded to an awful, evil act of hate, with love...Everything she has done since losing her son has been about making the world a better place in his memory.”

He also said:

“Through her work with young people and her campaign for Martyn’s Law, she is helping to prevent future tragedies and give every parent peace of mind. She is a real icon of Greater Manchester.”

I am proud that she is one of my constituents.

11.45 am

Tom Tugendhat: Given that this is the last time I will speak on this Bill Committee, I want to pay tribute to Figen and Brendan for the work they have done.

There is always a danger with such Bills that we put the blame not on the perpetrator but on those who are actually victims. I say that because the businesses that must make provision, pay the cost and bear the burden are also victims of the perpetrators. Let us be absolutely clear: for all that this law lays out the responsibilities on businesses, the true responsibility falls on those perpetrating these attacks.

Today, as Ken McCallum would tell us, the Iranian state is a prime originator, and the Muslim Brotherhood is a feeder, of the evil we see perpetrated. It is the various jihadi extremist organisations that make this country less safe, and different aspects of other political parties also make it more dangerous. We must be absolutely clear that responsibility for the actions we are talking about actually falls not on the businesses but on those who encourage, tolerate and perpetrate terrorism. Let us be absolutely clear today that one of the principal vectors for this violence comes straight out of Tehran and through various organisations that are still operating in this country despite many attempts to close them down.

Dan Jarvis: I am grateful for the contributions made by my hon. Friends the Members for Rochdale, for Dudley and for Macclesfield. I am also grateful for the

contribution made by the hon. Member for North Cornwall; the Government appreciate the Liberal Democrat party’s support, and I am happy to work, and have further conversations, with him before Report on the important point that he raised about training.

Finally, I thank the shadow Minister for his comments. I completely agree with his point about responsibility, and he is right. He will know that this new Government take these matters incredibly seriously, and I can give him and the rest of the Committee an absolute assurance that we will not rest in seeking to address the points he made and the concerns he dealt with admirably when he was the Minister.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2

QUALIFYING PREMISES

Tom Tugendhat: I beg to move amendment 22, in clause 2, page 2, line 11, leave out “200” and insert “300”.

This amendment sets the threshold for qualifying premises at 300 individuals.

The Chair: With this it will be convenient to discuss the following:

Amendment 20, in clause 32, page 22, line 9, leave out “100” insert “200”.

This amendment sets the floor for standard duty at 200 individuals.

Amendment 21, in clause 32, page 22, line 12, leave out “500” and insert “799”.

This amendment sets the floor for enhanced duty premises and qualifying events at 799 individuals.

Clause stand part.

Tom Tugendhat: I tabled the amendments for the simple reason that a burden will fall on businesses and on individuals; we can belittle it and say that complying will take only an hour or two, but for many small businesses that is a significant burden. As was made clear in the evidence session the other day, the burden on local authorities, including at parish level for parish halls, can change the way in which trustees approach this issue, which is why we looked to make the changes that I recognise the Minister has indeed made.

It is important to ensure that the burdens do not grow. That is why I have tabled some of the amendments before us, which change some of the fines and request a change from simply issuing an instruction to introducing a statutory instrument—a very specific moment when the Minister actually has to make a decision and bring the issue back to Parliament. We can belittle the hours, but trustees and volunteers at village halls make their own time available—I speak from personal experience, and others will have seen this as well—so if the burden is too great, plenty of village halls will simply close because we are asking people to take on more than they are willing to give.

That is why we have tabled the amendments, but as they all speak to the same point, which is not overburdening people, my remarks can be taken to apply to them as a whole.

Dan Jarvis: I am grateful to the right hon. Gentleman for tabling his amendments. Before I turn to them, I will briefly explain why clause 2, which sets out the criteria by which premises are determined to be qualifying premises that fall within scope, is so fundamental.

I recognise that the scope of the Bill—particularly the qualifying thresholds—is an important issue to discuss. Once more, I assure Committee members that the scope of the Bill, including the thresholds, has been developed following detailed discussion with those responsible for premises and with security experts within Government. That has involved hundreds of stakeholder engagement meetings, two public consultations and the important pre-legislative scrutiny process. As a result, the Government's firm view is that the Bill strikes an appropriate balance between protecting the public and avoiding an undue burden on premises.

Let me turn to the detail of amendments 20 and 21, which were tabled by the right hon. Member. He will be well aware that the Government have increased the qualifying threshold in the Bill from 100 to 200. As he correctly set out, clause 32 provides for the Secretary of State to be able to increase or decrease that figure and the threshold for the enhanced tier. As a result, the number of premises in scope of the Bill, and therefore required to comply, may be increased or decreased.

I assure the right hon. Gentleman and the Committee that that power is narrow, and regulations made under it will be subject to the affirmative procedure before they are made, to ensure the appropriate level of scrutiny by parliamentarians. The power is also limited in that the Secretary of State may not amend the figure to less than 100 in respect of the standard tier or to less than 500 in respect of the enhanced tier. That provides a floor, or absolute minimum number, below which the qualifying threshold cannot go.

The Government's intention, in having the power in clause 32, is to be equipped to respond to changes in the nature or level of the threat from terrorism. We envisage that the qualifying thresholds would be reduced to either floor in only very limited circumstances, such as the nature of the threat changing significantly. The power therefore provides a necessary lever that can be used, if needed, to ensure that the legislation remains fit for purpose and continues to strike an appropriate balance between protecting the public and avoiding placing an undue burden on premises. The Government do not therefore support the amendments.

Finally, I turn to amendment 22. As I set out during oral evidence, setting a threshold inevitably raises discussion as to whether it is the right figure, and what falls on either side of the threshold will inevitably be questioned. Indeed, the Committee heard a range of views from witnesses giving evidence on Tuesday, many of whom spoke to what they believe the appropriate threshold to be. The discussion included arguments for setting it higher or lower than 200.

Ultimately, the Government have to take a view about what the most appropriate threshold is. After careful consideration of the pre-legislative scrutiny findings and consultation responses, and after taking into account the views of stakeholders and security experts, the Government have decided that 200 is the right judgment.

The amendment changing the figure to 300 would significantly impact the outcomes of the Bill, and particularly what the standard tier seeks to achieve. Furthermore, as we will discuss when we debate clause 5, the standard tier requirements have been redesigned to be relatively simple and low-cost for responsible persons to take forward. They do not require premises to make physical changes.

The Government's firm view is therefore that 200 represents the right threshold to bring premises into the scope of the Bill. That figure strikes an appropriate balance between protecting the public and imposing a burden on premises. The Government therefore do not support the right hon. Gentleman's amendment.

Tim Roca: I want to speak briefly to the point about thresholds, which has just been discussed. The consultations prior to the Bill were based on a threshold of 100 at the standard tier, and I welcome the ability the Bill gives the Secretary of State to reduce the threshold back to that, should the evidence warrant that. I think Members will be reassured by some of the safeguards the Minister has just talked about, which would have to be in place before any such change happened.

In the protect duty public consultation, half of respondents thought that the threshold should be 100. Moving it to 200 has already taken 100,000 premises out of the scope of the legislation, leaving 180,000 within it. Raising the threshold to 300 would in effect remove the standard tier altogether. Figen has been very clear on this point:

"Raising the threshold of 200 even higher would mean that proportionality would no longer exist".

She has also pointed out that in her small town of Poynton, in my constituency, a threshold of 200 would already mean that not a single venue is covered by this legislation. A move to 300 would therefore be a mistake and fatal to the purpose of the Bill.

Tom Tugendhat: Given the very obvious numbers on the Committee, there is no point in pushing the amendment to a vote, but I still believe that the burden on small businesses is too great. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Schedule 1

SPECIFIED USES OF PREMISES

Dan Jarvis: I beg to move amendment 10, schedule 1, page 26, line 15, leave out paragraphs 3 and 4 and insert—

"Entertainment and leisure activities

- 3 Use (other than a use mentioned elsewhere in this Schedule) for the provision of entertainment, leisure or recreation activities of any description, where the activity is principally for the benefit of visiting members of the public."

This amendment makes general provision about premises used by the public for entertainment, leisure or recreation activities and replaces references to specific types of such activities.

The Chair: With this it will be convenient to discuss Government amendment 11.

Dan Jarvis: The amendments in this and the following group seek to ensure that the Bill will work as effectively as intended, including by clarifying and simplifying the definitions of certain uses of premises and certain terms. They are not intended to bring any new premises into scope or to inadvertently bring unintended premises within scope.

Government amendments 10 and 11 simplify schedule 1 by creating a new category of “Entertainment and leisure activities”, which brings together the premises previously captured by paragraphs 3, 4 and 6. That will help to ensure that the legislation and accompanying guidance are simpler to understand for persons potentially within scope of the Bill.

Amendment 10 agreed to.

Amendment made: 11, in schedule 1, page 27, line 10, leave out paragraph 6.—(Dan Jarvis.)

This amendment is consequential on amendment 10.

12 noon

Dan Jarvis: I beg to move amendment 12, in schedule 1, page 29, line 29, at end insert—

“(but see paragraph 4(a) of Schedule 2)”.

This amendment makes clear that paragraph 14 of Schedule 1 (aerodromes) is subject to the exception in paragraph 4(a) of Schedule 2 for premises covered by an aerodrome security plan under the Aviation Security Act 1982.

The Chair: With this it will be convenient to discuss Government amendments 13, 14 and 15.

Dan Jarvis: Government amendment 12 simply highlights that the term “aerodromes” does not include those covered by the exception in schedule 2 with an aerodrome security plan under the Aviation Security Act 1982.

Government amendment 13 is a technical amendment to ensure that Scottish further education establishments are more appropriately described and to reflect any future changes to relevant Scottish legislation.

Government amendment 14 is a change to clarify that agricultural colleges in Northern Ireland are captured, and Government amendment 15 is a technical change to improve the accuracy of the definition of higher education institutions as applied in Scotland.

Amendment 12 agreed to.

Amendments made: 13, in schedule 1, page 32, line 4, leave out from “listed” to “in” in line 6.

This is a drafting change.

Amendment 14, in schedule 1, page 32, line 13, at end insert—

“or established under section 5 of the Agriculture Act (Northern Ireland) 1949 (c. 2 (N.I)).”

This amendment provides that paragraph 17 of Schedule 1 covers use of premises for the provision of further education at Northern Ireland agriculture colleges.

Amendment 15, in schedule 1, page 34, line 19, leave out from beginning to “the” in line 22 and insert—

“in Scotland, a higher education institution within the meaning of section 35(1) of”.—(Dan Jarvis.)

This is a drafting change.

Dan Jarvis: I beg to move amendment 16, in schedule 1, page 34, line 37, after “to” insert “visiting”.

This amendment clarifies that the use of premises for the provision by a public authority of facilities or services is only relevant for the purposes of Part 1 of the Bill if members of the public visit the premises in connection with those facilities or services.

The Chair: With this it will be convenient to discuss Government amendment 17.

Dan Jarvis: Government amendment 16 clarifies that premises used by public authorities for the provision of facilities or services are only in scope if the public visit the premises to use the facilities or receive those services.

Government amendment 17 clarifies that

“visiting members of the public”

includes members of the public who have paid to access, have invitations or passes allowing access to, or are members or guests of a club, association or other body. That more accurately captures the differing arrangements for public access that may be in place at premises in scope, such as private members’ clubs.

Amendment 16 agreed to.

Amendment made: 17, in schedule 1, page 34, line 42, at end insert—

“References to “visiting members of the public”

20 In determining for the purposes of this Schedule whether premises are used by “visiting members of the public”, it is irrelevant that access to the premises may be limited (at all times or particular times) to members of the public who—

- (a) have paid to access the premises,
- (b) have invitations or passes allowing access, or
- (c) are members (or guests of members) of a club, association or other body.”—(Dan Jarvis.)

This amendment contains provision about the meaning of references in Schedule 1 to “visiting members of the public”.

Question proposed, That the schedule, as amended, be the First schedule to the Bill.

Dan Jarvis: We have previously spoken at length about the purpose of schedule 1, so I trust that the Committee are suitably satisfied as to why it should stand part of the Bill.

Question put and agreed to.

Schedule 1, as amended, accordingly agreed to.

Schedule 2

EXCLUDED PREMISES AND EVENTS

Question proposed, That the schedule be the Second schedule to the Bill.

Dan Jarvis: Schedule 2 specifies certain types of premises that are excluded from the Bill’s scope, which is necessary where there are already similar legislative requirements or protective frameworks in place. This covers, in particular, certain transport premises and premises occupied by Parliament and the devolved legislatures.

Schedule 2 also defines a category of open-air premises that might fall in scope, but where it would be impractical or disproportionately difficult to deliver the requirements given the nature and operation of those premises. The

category includes parks and premises used for grassroots sports, which generally do not have controlled access or defined physical boundaries. These premises are therefore excluded, except where they employ individuals to ensure that members of the public have paid to access the premises, or where they have invitations or passes to do so; in cases where entry and exit to the premises are controlled and payment is taken, it is considered that there is a greater capacity and capability to consider reasonably practical procedures and/or measures as required.

Schedule 2 also maintains the provisions in schedule 1 that places of worship and premises used for childcare or primary, secondary or further education fall within the standard tier, meaning that qualifying events cannot occur on those sites.

Question put and agreed to.

Schedule 2 accordingly agreed to.

Clause 3

QUALIFYING EVENTS

Amendments made: 1, in clause 3, page 2, line 38, leave out “all or part of”.

This amendment is consequential on amendment 4.

Amendment 2, in clause 3, page 2, line 41, after “time” insert

“in connection with their use for the event”.

This amendment clarifies that, for the purposes of determining whether Part 1 of the Bill applies to an event, the number of individuals present on premises in connection with the event must be considered.

Amendment 3, in clause 3, page 3, line 2, leave out “all or part of”.

This amendment is consequential on amendment 4.

Amendment 4, in clause 3, page 3, line 7, at end insert—

“(2) Where the condition in subsection (1)(e) applies only in relation to one or more parts of the premises at which an event is to be held, for the purposes of this Part treat what is to be held at each such part of the premises as a separate event (to be held at that part).”—
(*Dan Jarvis.*)

This amendment caters for cases where parts of the premises at which an event is to be held are open to the public generally and other parts are areas for which members of the public will need permission to enter.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4

PERSONS RESPONSIBLE FOR QUALIFYING PREMISES OR EVENTS

Question proposed, That the clause stand part of the Bill.

Dan Jarvis: Clause 4 defines who is responsible for qualifying premises or a qualifying event, and therefore who is responsible for meeting the relevant requirements. With regard to premises, paragraph (a) of subsection (1) provides that:

“a person is responsible for qualifying premises if the person has control of the premises in connection with their relevant Schedule 1 use”,

such as the operator of a hotel.

Subsection (2) sets out what is meant by “relevant Schedule 1 use”. If premises are used for one of the uses specified in schedule 1, that is the relevant use. That is the case even if premises are also used for other purposes not listed in schedule 1. Some premises will be used for more than one of the uses specified in schedule 1. In such cases, it is the person with control over the premises in connection with that principal use who will have to meet the relevant requirements.

Subsection (3) provides a regulation-making power that enables the Secretary of State to provide specific rules as to how the principal use is to be determined. We expect that the principal use will be readily apparent in the vast majority of cases, but the power will ensure that clarity can be provided if and when needed. Principal use is to be determined on a case-by-case basis. Guidance will set out the relevant factors that should be considered when making a determination—for example, taking account of the amount of time for which the premises are used for each type of activity. The regulation-making power can be used if further specific provision is necessary.

On qualifying events, subsection (1)(b) provides that the person responsible is the person who has

“control of the premises at which the event is to be held in connection with their use for the event”—

for example, the organiser of a music festival. The relevant circumstances of the event will need to be considered to determine who the responsible person is. For example, if a concert is to be held in a park, and a company putting on the event has control of an area of the park for the purposes of delivering the concert, that company will be the responsible person. Conversely, if the local authority that operates the park puts on the concert, it will be the responsible person. Where the local authority is not the responsible person, it will still have a duty under clause 8(5) to co-operate with that person to enable them to comply with their requirements.

Subsection (4) specifies that if there is more than one person responsible for qualifying premises, or a qualifying event, they are jointly responsible for ensuring compliance with the Bill’s requirements, and may act jointly in meeting their requirements. In addition, clause 8(2), which we will debate shortly, imposes obligations on the responsible persons to co-ordinate with each other in meeting the requirements. Such a situation will arise when each of the parties has control over parts of the premises in connection with the relevant schedule 1 use. It does not mean, for example, that the multiple tenants of a shopping centre are jointly responsible for the shopping centre as a whole; rather, each will be responsible for their respective premises.

Finally, schedule 1 includes some specific provisions to identify the responsible person for particular types of premises. For example, in the case of a primary or secondary school, paragraph 16 provides that the responsible person will either be the local authority or the governing body of the school. Clause 4(5) provides that those specific provisions apply instead of the general provisions of the clause.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clause 5

PUBLIC PROTECTION PROCEDURES

Question proposed, That the clause stand part of the Bill.

Dan Jarvis: Clause 5 places a requirement on those responsible for all qualifying premises and events to put public protection procedures in place, so far as is reasonably practical. This applies to both standard and enhanced duty premises and events. The intention of having such procedures in place is to reduce the risk of physical harm that could be caused to individuals present at qualifying premises and events if an act of terrorism were to occur.

The procedures will help to prepare people working at premises and events to take steps to reduce the risk of harm and move people away from danger. All qualifying premises and events will have to consider how to evacuate, move people to safety, lock down and communicate information. In practice, these procedures focus on simple, low-cost activities such as identifying safe exit routes and lockable doors. The Bill does not require standard duty premises to make physical changes to their sites. Premises must consider the procedures that are appropriate for them.

The procedures that the Bill requires are simple steps to reduce the physical risk to the public from acts of terrorism. They are similar to, but often with key differences from, other legislative procedures. For example, in developing evacuation procedures, those responsible may want to consider safe exit routes for full, partial or phased evacuations, and where they differ from evacuation procedures required by fire safety, such as how they are communicated and where people should congregate. With a focus on ensuring preparedness, security experts advise that these types of procedures are best placed to reduce the risk of physical harm. Qualifying premises will all be different. Further information on how the procedures would apply in practice is provided in the factsheets. Statutory guidance will support the development and implementation of appropriate procedures to allow premises and events to introduce procedures that are right for them, taking into account their circumstances and resources.

12.15 pm

Clause 5 sets out that the Secretary of State may, through affirmative regulations, amend the types of procedures that should be in place. This power is carefully constrained. First, further procedures can be added only if they are considered to reduce the risk of physical harm to individuals. Secondly, procedures can be removed or changed only if doing so is not considered to increase the risk of physical harm.

Chris Murray (Edinburgh East and Musselburgh) (Lab): I wanted to speak on this clause because it is arguably the most important component of this legislation and could have the biggest impact. Obviously we all hope that terrorist events do not happen, but we must be alert to the possibility that they can, and to what we collectively need to do to prepare for that situation.

Enhanced-tier organisations, particularly those at the upper end such as stadiums, will already have many operations in place to prepare for that. They will do

table-top exercises; they will do war games; they will designate staff; they will have protocols. But for the standard tier, in particular, will not automatically be doing that. As we see the terror threat evolving to target those smaller standard-tier institutions, it is important that we prompt them, through this legislation, to do that thinking.

The former US Under-Secretary of State for Homeland Security, Juliette Kayyem, talks about the distinction between “pre-boom” and “boom” with terrorist events. Pre-boom, we can do a lot of work to stop terrorists—put in checks and do things—but we have to think about what we do in the moment when the terrorist attack has already begun. That is not the time for institutions, particularly small institutions, to be thinking, “What is the exit route? What do we need to do? Who’s in charge here?” In reference to American school shootings, Juliette Kayyem says that the least useful person, once a school shooting has started, is the person who says, “We should have banned guns.” It is too late to be having that conversation, and the gun is already in the school. People need to be prepared for that situation.

The four requirements under subsection (3) are small, and quite intuitive, prompts that we are asking of standard-tier institutions; but in giving those prompts we could be encouraging them to take the small steps that will, when the terrorist event happens, affect the outcome and could really save lives. This is a really important clause.

The Opposition have made the point that the clause presents a burden on business, and it is true that it is bringing into scope organisations that probably have not had this burden placed upon them before. Admittedly, there is a component of burden being placed here—but actually it is not the legislation that is doing that; it is the evolving terror threat, which we are responding to. That is why it is important to note that the proposals made here—those four requirements—are straightforward. As I say, they are almost intuitive and commonsensical. They are not onerous and they are low-cost.

My constituency, the city centre of Edinburgh, is event central. We have hundreds of events there every week, and in August we host the third-biggest ticketed event in the world—double the number of people go to events in that month as go to the Olympics. But they are not all in one place. It is not one big stadium; they are spread throughout the city.

Some of those events, such as the Tattoo, would qualify for the enhanced tier, but many of them would be standard tier. If we can prompt them to make these changes, we really could make a huge impact. If we do not do that and there is a chilling effect because people feel insecure, the burden on organisations will be significant; we need to take that seriously. That is why the distinction between standard and enhanced is appropriate, and I think the requirements being made of the standard tier are the right ones.

This very important clause codifies something that society should be doing anyway, given the evolving terror threat. The way we will know it has had an impact is that we will never hear about it again, because the prompts will mean that further action is not required and tragedies do not happen.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clause 6

PUBLIC PROTECTION MEASURES FOR ENHANCED DUTY PREMISES AND QUALIFYING EVENT

Tom Tugendhat: I beg to move amendment 25, in clause 6, page 5, line 1, leave out paragraph (a).

This amendment prevents the Secretary of State from creating further requirements for enhanced duty premises by regulations.

The Chair: With this it will be convenient to discuss the following:

Amendment 26, in clause 6, page 5, line 8, leave out subsection 6.

This amendment allows the Secretary of State to omit or amend the description of public protection measures for enhanced premises and qualifying events without regard to the considerations set out in Clause (6)6.

Clause stand part.

Tom Tugendhat: This very simple amendment is in line with the others that I have already spoken about. It would limit the Government's power to exert extra burdens on small businesses.

Dan Jarvis: I thank the right hon. Gentleman for tabling this amendment. The Government consider that specifying further measures is an important power for the Secretary of State and must be available to ensure effective protection of the public through these measures.

Having the ability to specify further public protection measures through regulations means that the requirements of the enhanced duty can be amended to reflect changes in the terrorism threat, advances in technological solutions and our response to them. For example, there may be lessons learned from future incidents, further common types of attack may emerge, or best practice may evolve.

The right hon. Gentleman's amendment would limit the Government's ability to protect the public and safeguard them from harm. I understand that the intention behind it may relate to fears over the burden that future measures may create. However, the clause is drafted to constrain the power to be exercisable only where it is considered that the further measures will reduce vulnerability to, or the risk of physical harm from, an attack. It is intended to ensure that new requirements are limited to those necessary to protect the public, and remain in line with the overall objectives of the measures under the clause. Given the evolving nature of terrorism and the threat it poses, the Government consider it necessary to include this power, and therefore do not support the amendment.

On amendment 26, the Government consider it important to be able to remove or amend public protection measures from the list in subsection (3). For example, the Government might identify potential amendments to improve the measures through lessons learned and evolving best practice. This power is drafted so that the Secretary of State may remove or amend the types of measures only if they consider that doing so will not either increase the risk of physical harm to individuals or increase the vulnerability of the premises or event to the risk of acts of terrorism. That is in accordance with the overall objectives of the measures within this clause, as stated in subsection (2).

Were we to agree to the amendment, specified measures could be amended or removed without a requirement in the Bill for the Secretary of State to expressly consider how those public protection objectives would be effective in taking away or altering a measure in the list approved by Parliament. The Government do not consider that appropriate and therefore respectfully do not support the right hon. Gentleman's amendments.

Tom Tugendhat: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 6 ordered to stand part of the Bill.

Clause 7

ENHANCED DUTY PREMISES AND QUALIFYING EVENTS: DOCUMENTING COMPLIANCE

Question proposed, That the clause stand part of the Bill.

Dan Jarvis: Clause 7 places a legislative requirement on those responsible for enhanced duty premises and events to prepare and maintain a document that records their compliance in relation to putting in place procedures, under clause 5, and measures, under clause 6. This is necessary to ensure that premises are able to more easily demonstrate compliance, and the Security Industry Authority is able to assess that against the Bill's requirements. Many premises will already be documenting similar mitigations in regard to existing security plans for non-legislative purposes—fire safety and health and safety legislation, for example.

Documents should contain statements that relate to the public protection procedures and measures that are implemented, or proposed to be implemented, at their premises or event. Documents should also contain assessments to provide a rationale as to how the proposed procedures and measures will reduce both physical harm to individuals present and vulnerabilities of the premises or event if an attack were to occur.

When complete, the document should contain the totality of the procedures and measures deployed and sufficient detail to enable the authority to assess whether those responsible for premises and events are compliant with the Bill's requirements. In the first instance, those responsible for enhanced duty premises and events are required to provide the document as soon as reasonably practicable after it is prepared and within 30 days of any subsequent revision.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Clause 8

REQUIREMENTS TO CO-ORDINATE AND CO-OPERATE

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Amendment 24, in clause 9, page 6, line 19, leave out paragraph (a).—(*Tom Tugendhat.*)

This amendment prevents the Secretary of State from specifying further matters relating to qualifying premises or a qualifying event on which the responsible person would have to inform the Security Industry Authority.

Clauses 9 and 10 stand part.

Dan Jarvis: Clause 8 places a requirement upon certain duty holders to co-ordinate or co-operate with each other when complying with requirements. Subsections (1) and (2) deal with instances whereby there is more than one responsible person, requiring those persons to co-ordinate so far as is reasonably practicable with the requirements imposed upon them. An example of this may be a joint venture between two parties with equal control. The requirement applies to all premises and events within scope of the legislation. It will ensure organisation between mutually invested parties and encourage unified decision making in relation to the requirements placed upon them.

Subsections (3) and (4) concern where one qualifying premises forms part of another. The persons responsible for both premises must so far as is reasonably practicable co-ordinate with each other in complying with the relevant legislative requirements. The purpose of this provision is to ensure that responsible persons in such scenarios, such as a shopping centre, combine efforts or actions to reach mutually effective and compliant outcomes in relation to relevant requirements. That might, for example, entail the shopping centre operator liaising with different units in scope to ensure there is a co-ordinated and effective evacuation plan.

Subsections (5) and (6) concern where a person has some form of control of an enhanced duty premises or event, but is not the responsible person. Where that is the case, they must so far as is reasonably practicable co-operate with each other in complying with the relevant legislative requirements. Examples of persons in control but not the responsible person would be a building owner who has leased the premises to a separate operator, or a landowner who has given permission for a qualifying event to take place on their land. The purpose of this requirement is to assist the responsible person in ensuring that appropriate public protection measures are in place under clause 6. In instances where they require relevant permissions or support from other parties who have some control over the premises, there is a duty placed on such parties to co-operate so far as is reasonably practicable.

Subsection (7) specifies that a requirement under this section does not extend to a requirement imposed by a penalty notice. Those responsible may require co-ordination or co-operation from other duty holders in regards to meeting relevant requirements, including compliance and restriction notices, but this does not extend to penalty notices. If there is a dispute in relation to

scenarios of co-ordination or co-operation, clause 11 enables interested persons to apply for certain determinations by a tribunal. The tribunal may be asked to determine whether a person is a responsible person, or the extent to which a person who is not a responsible person has control of the premises. In summary, placing a requirement upon relevant responsible persons and duty holders to co-ordinate or co-operate will further drive compliance with the Bill's requirements and therefore better protect the public.

I turn briefly to clause 9, which requires those responsible for qualifying premises or events to notify the SIA when they become or cease to be responsible for premises or events. Those responsible for premises or an event must notify the SIA of that responsibility upon commencement of the legislation. If a person becomes responsible for premises or an event after the legislation has commenced, they too must notify the SIA of that. The requirements of the clause will assist the SIA in knowing which premises and events within scope of the legislation are actively demonstrating compliance and so identifying those who are not. The time limit within which notifications must be made will be specified by the Secretary of State in regulations. Clause 9 also sets out that the Secretary of State may, via regulations, specify the form and manner in which notifications must be sent and the information that is required to be included in a notification, such as information about the premises or event and contact details for the responsible person.

Clause 10 places a legislative requirement on those responsible for all enhanced duty premises and qualifying events to designate a senior individual where the responsible person is not an individual. Examples of responsible persons that are not individuals are bodies corporate, limited partnerships and unincorporated associations. The individual undertaking the role must be someone who is involved in the management of, or has some form of control within, the organisation—for example, a director or partner, rather than a lower-level employee. That will help ensure that the individual appointed has appropriate influence and seniority to drive forward compliance with the requirements. The senior individual may delegate actions that relate to the relevant legislative requirements to ensure they are complied with. However, they cannot delegate their overall responsibility for ensuring compliance.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clauses 9 and 10 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.
—(Keir Mather.)

12.33 pm

Adjourned till this day at Two o'clock.