

Loss Prevention Standards – Cross Classes

# Protect Duty

Version: 1.3

Date: 07<sup>th</sup> November 2024

This Loss Prevention Standard provides guidance on the provisions within the draft Terrorism (Protection of Premises) Bill - also **known as Martyn's Law.**



## Introduction

The Protect Duty is a UK Government proposed duty to improve safety and security at public venues and spaces. It will introduce a requirement for owners / operators to put in place measures to keep the public safe from terrorist attack.

The draft version of the Bill was released on 2<sup>nd</sup> May 2023, to allow for pre legislative scrutiny by the Home Affairs Select Committee. This provides the opportunity for parliament and **stakeholders to comment on the proposals before the final** version is drawn up by the Government. It also provides the opportunity for changes to be made in response.



It is unlikely to be made law until 2024 as this will give time for businesses to transition and fully implement the requirements.

## What is the Protect Duty?

In simple terms the Protect Duty aims to make venue owners and event organisers responsible for keeping people safe from terrorist attacks.

It follows the widely backed campaign by Figen Murray, whose son Martyn died in the Manchester Arena attack in May 2017 where 23 people were killed.

## Who would the law apply to?

- Owners and operators of ‘publicly accessible venues’ that have a capacity of 100 people or more
  - Standard Duty Premises: Capacity of 100 to 799
  - Enhanced Duty Premises: Capacity of 800 or more
- Public have express or implied access (if land is in the open-air access must be by express permission)
- Premises may be in other premises
- As well as qualifying premises an ‘event’ can qualify as well, even if the premises may or may not be a qualifying public premises. So, this means that a premises that may have 700 general capacity but has 900 for a specific event, the enhanced duty will apply by virtue of the event, and not the ‘qualifying premises’
- There is unlikely to be any duty on businesses who operate large organisation with more than 250 employees if they don’t have venues with capacity greater than 100
- Examples of qualifying premises could be, but not limited to, bars, restaurants, theatres, cinemas, sports venues, a store within a larger premises, etc.

Standard duty requirements are:

- Undertaking a standard terrorism evaluation at least annually, or at any material change
- Providing relevant workers with appropriate terrorism protection training

Enhanced duty requirements are:

- An enhanced terrorism risk assessment, that is reviewed with each material change to or use of the premises and at least annually
- Terrorism protection training for relevant workers
- Reasonably practicable security measures to be put in place
- The appointment of a designated senior officer
- The preparation and maintenance of a security plan

Those premises with a capacity of less than 100 people will be encouraged to take voluntary measures to reduce terrorism risks.

## What will the Protect Duty require from businesses?

### Standard Duty Premises

The person responsible for standard duty premises must ensure that a standard terrorism evaluation has been completed and is regularly reviewed.

A “standard terrorism evaluation” is a document which provides information on:

- (a) The types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises
- (b) The measures in place that might be expected to reduce the risk of terrorism
- (c) The measures in place to reduce the risk of physical harm to individuals
- (d) The procedures to be followed if acts of terrorism were to occur
- (e) The ways in which individuals who use the premises as a place of work will be made aware of the standard terrorism evaluation of the premises, or relevant information in the evaluation
- (f) Such other matters as the Secretary of State may prescribe in the regulations

### Enhanced Duty Premises or Event

The person responsible for enhanced duty premises/a qualifying public event must ensure that a terrorism risk assessment has been completed and is regularly reviewed.

The “terrorism risk assessment” should be carried out with due regard to other subjective factors such as, the size and other characteristics of the premises, the existing measures in place, the current and planned future uses of the premises, and the nature of any qualifying public events.

It should also include:

- (a) The types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises or event
- (b) The reasonably practicable measures that might be expected to reduce the risk of acts of terrorism of those types occurring

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(c) The reasonably practicable measures that might be expected to reduce the risk of physical harm to individuals if acts of terrorism

(d) Such other matters as the Secretary of State may prescribe in regulations

#### Training

The responsible person must ensure terrorism protection training is provided to workers. Training to address:

(a) The types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises or event

(b) The indications that an act of terrorism may be occurring at, or in the immediate vicinity of, the premises or event

(c) The procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event

(d) Such other matters as the Secretary of State may prescribe in regulations

Training must be appropriate to:

(a) The size and other characteristics of the qualifying public premises or the premises at which the qualifying public event is to be held

(b) The use of the premises/nature of the event

(c) The responsibilities of the relevant worker in relation to the premises or event

#### Security

Person responsible for enhanced duty premises/a qualifying public event must ensure that all such reasonably practicable measures are in place to:

(a) Reduce the risk of acts of terrorism occurring at, or in the immediate vicinity of, the premises or event, and

(b) Reduce the risk of physical harm to individuals if acts of terrorism were to occur

Such measures to include:

(a) Measures in relation to monitoring the premises or event and the immediate vicinity of the premises or event

(b) Measures in relation to the movement of individuals into, out of and within the premises or event

(c) Procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event, including procedures for:

(i) Alerting the emergency services

(ii) Alerting persons at, or in the immediate vicinity of, the premises or event

(iii) The evacuation of persons from the premises or event, where it is safe and appropriate to do so

(iv) Bringing persons in the immediate vicinity of the premises or event into the premises or event, where it is safe and appropriate to do so

(v) Securing the premises or event, where it is safe and appropriate to do so

(d) Measures in relation to the security of sensitive information

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## Security plans

The person responsible for enhanced duty premises or a qualifying public event must ensure that a security plan in relation to the premises or event is prepared and maintained.

(a) The person must provide a copy of the current plan to the regulator

(b) A security plan is a document setting out:

- (i) Prescribed information about the premises or event
- (ii) Prescribed information about the person responsible for the premises or event
- (iii) The identity and contact details of the designated senior officer for the premises or event
- (iv) Prescribed information about the terrorism risk assessment of the premises or event
- (v) Prescribed details of the measures in place in relation to the premises or event
- (vi) Prescribed details of any proposals for putting in place measures in pursuance of that duty (that are not already in place)
- (vii) Prescribed details of terrorism protection training provided
- (viii) Such other matters as may be prescribed

## Cooperation of other persons with control of premises

Duties are imposed to cooperate with the person responsible for qualifying public premises or a qualifying public event if another party has to any extent, control of the premises or the premises at which the event is to be held and the person responsible issues a notice requiring that co-operation.

There must also be co-operation with the person responsible for fire safety.

## Summary

The Protect Duty will require businesses to carry out a risk assessment as they are already required to do under existing health & safety and fire safety legislation. Assessments should be proportionate to the risk, with the objective being to drive an improved culture of security, where owners and operators understand the potential threats and can implement reasonable, proportionate, and co-ordinated security measures in response.

As the Bill is still only in draft form, this Loss Prevention Standard will be updated as/if further updates and guidance become available. This is unlikely to be made law until at least 2024.

## Additional Information

The Protect UK website is a platform for sharing information that is undergoing continuous development to support organisations to evaluate and manage the risk posed by terrorism. This is supported by NaCTSO (National Counter Terrorism Security Office) and other related organisations and can be used by businesses as a good resource for accessing information.

Whilst we will have to wait for the final wording of the legislation when the Act is passed, organisations should start to consider their role in protecting the public from terror threats and what might be appropriate for them in terms of security risk assessments, staff training etc.

To find out more, please visit [Aviva Risk Management Solutions](#) or speak to one of our advisors.

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For more information please visit:

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## Sources and Useful Links

- [www.protectuk.police.uk](http://www.protectuk.police.uk)

Email us at [riskadvice@aviva.com](mailto:riskadvice@aviva.com) or call 0345 366 6666.\*

\*The cost of calls to 03 prefixed numbers are charged at national call rates (charges may vary dependent on your network provider) and are usually included in inclusive minute plans from landlines and mobiles. For our joint protection telephone calls may be recorded and/or monitored.

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07<sup>th</sup> November 2024

Version 1.3

ARMSGI1212022

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