

INTRODUCING THE PROTECT DUTY

WHAT IS THE PROTECT DUTY?

Earlier this year, a [government consultation](#) took place that would introduce a **Protect Duty**; a piece of legislation that would place greater responsibility on owners and operators of Publicly Accessible Locations (PALs) - formerly known as Crowded Places and Spaces - to improve the protection of the public from terror attacks and criminal activity. The details of the legislation are currently being decided and will apply to all venues of a certain size and capacity. There has been no suggestion of granting grandfather rights to-date.

For Towns that are currently in the process of producing their Business Cases, it is timely for them to understand what the new legislation could mean for their projects with public spaces and how they need to start planning for it. The Protect Duty is particularly relevant for open spaces and public realm related projects which meet the following criteria:

- The project is in a PAL, which is defined as an area to which the public has access to, on payment or otherwise (for example, festivals, markets and venues); *and*
- any business that operates PALs which is employing over 250 people; *and/or*
- any PAL with a capacity 100 people or more.

The Protect Duty would apply to businesses that are engaged in health care, education, publicly accessible government offices and transport hubs as much as it would leisure venues such as hospitality venues, theatres, shopping centres and visitor attractions. Therefore, it's unlikely any place would be exempt from the new considerations.

The proposals would require all venues and owners / organisers (employing over 250 people) to consider terrorist threats and attack methodologies and be able to assess the potential impact of these to their customers and staff. They would be required to take forward 'reasonably practicable' and appropriate protective security and organisational preparedness measures.

OVERVIEW OF THE CONSULTATION

In order to address the challenges around adequate security planning and training for public venues, the consultation is recommending venues to:

- Ensure compliance with the Protect Duty legislation, focusing on the preparation of comprehensive risk assessments, the identification of control measures and explanations of how these should be implemented.
- Take responsibility for grey spaces (these are areas between attractions and venues with no clear ownership, such as the concourse between the station and the arena where the Manchester attack took place) so that stakeholders of a shared space should have a Protect Duty responsibility over common areas which their visitors use, with the extent of this responsibility depending on the amount of use they make of the common space.
- Encourage multi-stakeholder co-ordination.

- Introduce counter-terrorism training of venue staff and enforce Protect Duty legislation to be as robust and rigorous as comparable regulatory regimes, such as the criminal offence of breaching health and safety measures.

It is considered that, wherever possible, affordable and simple interventions should be introduced to protect and reassure the public, whilst deterring would-be attackers. These should have minimal adverse impact on the site's operation or on people's experience. Whilst an extensive pallet of countermeasures is available, many of the more complex and costly ones – particularly specialist physical security products – would be more relevant to larger sites likely to host higher visitor footfalls and/or crowds.

It is worth noting that improvements made to security from a counter-terrorism (CT) perspective are likely to have wider benefits, potentially reducing other crime and antisocial behaviour. Similarly, existing or new security measures implemented for other purposes can have a counter-terrorism benefit.

WHAT DOES THIS MEAN FOR TOWNS?

In preparation, you should be planning to refresh or, where appropriate, develop your counter terrorism plans. These need to include a risk assessment which looks at the threat from different potential terrorist and domestic extremist groups specifically to their site or operation; the site's existing vulnerabilities; the scope and appetite for reducing these vulnerabilities; and finally the residual risk. These plans should link in with council plans so the responses co-ordinate. The past decade has seen frequent small scale but fatal attacks internationally and especially in Europe that target low profile crowded places – this is not just something relevant to the biggest venues in the major cities.

As part of mitigations, Towns need to be prepared to undertake a security survey on a project/venue-level that explores the existing security measures, both physical and operational, and outlines where improvements could be made. These should form part of the establishment's risk register, along with an understanding of the threat and the risk appetite. Once Towns have established which further mitigations can be implemented, these will then be added into the risk register, leaving a residual risk that needs to be mitigated against or accepted. While some local authorities will already have something in place, this is an opportunity to refresh these plans with an updated risk assessment and to improve on the areas that have not had sufficient investment.

The plans should also contain detailed emergency plans for handling such an attack should it occur, along with evacuation and invacuation plans and business continuity and resilience strategies for the key business processes. Finally, the plans should outline the training programmes necessary to establish the above.

Regular reviews should be made of the counter terrorism plans to ensure that the threat, risk and remaining vulnerabilities remain within acceptable limits to the organisation.

NEXT STEPS

If you are developing a project which you believe will meet the Protect Duty's criteria for inclusion, speak with the relevant team in your local council to understand your next steps for taking the appropriate measures. Remember, this is about reducing risk in a proportionate way, to ensure your town continues to be a safe and welcoming place for a diverse range of residents, workers, and visitors.

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