

Wales Safer Communities Network response to: Protect Duty Consultation

Closed 02 July 2021

Response submitted online

Questions

Section 1: Who (or where) should legislation apply to?

To what extent do you agree or disagree with the following statement:

1. **Venues and organisations owning, operating or responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from attacks in these locations.**

Strongly Disagree (SD)

Disagree (D)

Neither Agree nor Disagree (NAND)

Agree (A)

Strongly Agree (SA) [scale]

To what extent do you agree or disagree with the following statement:

2. **Venues and organisations owning, operating or responsible for publicly accessible locations should prepare their staff to respond appropriately in the event of a terrorist attack to best protect themselves and any members of the public present.**

Strongly Disagree (SD)

Disagree (D)

Neither Agree nor Disagree (NAND)

Agree (A)

Strongly Agree (SA) [scale]

3. **We propose that a targeted Protect Duty applies only to certain public venues. What criteria would best determine which venues a Duty should apply to?**

a. **Capacity (as currently used in Fire Safety Regulations)**

b. Annual revenue

c. Staffing levels

d. Other

[Where 3 is a]

4. **We have proposed a venue capacity of 100 persons or more as a threshold. What capacity level do you think would be appropriate to determine venues in scope of the Duty?**

Whilst in principle we agree with the 100 persons threshold, we think that it should be flexible as some venues or events may be more of a target, irrespective of



capacity. Therefore, there should be some flexibility around to allow for other influences to lead to the Duty being applicable. (Free text, 100 words max - 50)

[Where 3 is b-d]

5. **What threshold would you propose for inclusion in the scope of the Protect Duty for this criterion?**

N/A

6. **We propose that a requirement to consider security and implement appropriate mitigations at a venue should fall to the owner and/or operator of the venue. Do you consider this appropriate?**

Y/N

[If 6 = N]

7. **If no, why not:**

We consider that a simplistic Yes/No answer is unhelpful here. We agree in principle that – Yes - there should be a requirement for the owner and/or operator of the venue to consider and implement appropriate mitigations. However, there also needs to be an opportunity for engagement and feedback from statutory services. One of the criticisms of the Manchester Arena attack was that the security arrangements were an internal matter that had not been shared with statutory bodies, such as ambulance and fire and rescue.

8. **We propose that where there is a shared organisational responsibility for a venue, or multiple organisations operating at a venue within scope, the parties would have to work together to meet the requirements. Do you consider this is appropriate?**

Y/N

[If 8 = N]

9. **If no, why not:**

N/A

10. **We propose that a Protect Duty would also apply to certain organisations operating at publicly accessible locations. If an organisation's size were a criterion for its inclusion in the scope of the Duty, what would be an appropriate threshold?**

- a. All organisations
- b. Micro (1-9 employees) and above
- c. Small (10-49 employees) and above
- d. Medium (50-249 employees) and above
- e. Large (250+ employees)**
- f. Other



[Linked to Question 10]

11. What is your reasoning for this answer?

The Duty potentially brings with it a large burden on the statutory bodies who are already operating at or close to capacity. There are already many larger employees who already need to put in place security due to the nature of the business. It is unclear from the question if all the employees need to be based in the building or across multiple sites. If multiple sites then, for example, bakers with multiple outlets would need to put in the measures adding to the burden for compliance checking.

12. We have proposed a Protect Duty would apply to organisations with 250 or more employees. Is it clear as to whether your organisation falls within this criteria?

Y/N

[If 12 = N]

13. If no, why not?

As a Network we have many members, some of whom will fall within the criteria. However, as shown in the answer to 11 it is not always that clear cut and needs to be clear if employees based at a particular site/building or just a number of employees who could be working from home or based at a range of buildings or venues in Wales or wider across the UK.

14. Are you clear about whether your organisation falls within the scope of the definition of a 'publicly accessible location' (a place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission)?

Y/N

[If 14 is N]

15. If no, why not?

Some Network members are based in venues or hubs where the public may have access to a reception area or small part of the building (normally at the front), and there are less than 250 employees based there, it is therefore unclear if as a Public Body that these venues will be included within the duty or not.

16. Referring to Annex 1, do you consider that there should be other exemptions from a Protect Duty?

Y/N

[if 16 is Y]

17. If so what or who and why?

N/A

18. Are there any other issues regarding who legislation should apply to that you would like to offer views on?

There are lots of places that can hold 100 people, it will bring in a lot of organisations, buildings and venues. Temporary event notices are likely to be over the threshold so how those will be managed and mitigated needs to be considered as they are more likely to be one-off events possibly involving those who only need to carry out the assessment once. National Parks can cover a wide geographical area and involve organised walks etc which result in varied numbers how will this be applied when there may be more than 100 people from multiple organisations at the same place by accident, such as Welsh sites, Yr Wyddfa or Pen y Fan.

Section 2: What should the requirements be?

19. Does your organisation currently undertake a risk assessment for terrorism?
Y/N

[Linked to Question 19]

20. Is this process undertaken by an in-house or an externally appointed individual?
In house/External

[Where 19 = Y]

21. When you do undertake a terrorism risk assessment, how many working days a year do you estimate your organisation typically spend on this task? (Where this is undertaken by multiple staff, please include total days spent by all staff)?

This is impossible for us to estimate, as this response is on behalf of the Wales Safer Communities Network which involves the Local Authorities, Police and other Partners involved in Community Safety. So whilst, all undertake terrorism risk assessments currently each has their own systems, structures and processes in place which means it is impossible for an estimate of time spent.

22. How frequently does your organisation typically review this risk assessment?

- a. Multiple times per year
- b. Around once per year
- c. Around once every 2 years
- d. Around once every 3 or more years
- e. **Other (please specify)** – Varied due to range of venues etc that members of the Network are responsible for.

23. What mitigations against terrorism risks does your organisation currently undertake (select all that apply)?

- a. **Well defined organisational security protocols and procedures, including for response to terrorist attack**
- b. **Measures are in place to spot and disrupt hostile reconnaissance**



- c. **Work to ensure security behaviours are adopted by the workforce**
- d. **Personnel security policies and procedures consider security risks**
- e. **Site/location vulnerabilities (to terrorist threats) and appropriate physical mitigations are considered**
- f. **Evacuation, invacuation, lockdown procedures are in place and are understood and exercised by staff**
- g. **Staff training is undertaken to raise awareness of the threat and what to do**
- h. **Business continuity procedures or app (e.g. ACT app) include information on how to respond to attacks**
- i. **Liaison with police or other resource (e.g. security consultant) on threats and appropriate security measures**
- j. **Involved in local security initiatives**
- k. **Other ... All of the above are applicable for members due to the nature of the organisations.**

24. How much money does your organisation typically spend on new or revised security measures that would mitigate against terrorist risks in one financial year?

This is impossible for us to provide, as this response is on behalf of the Wales Safer Communities Network which involves the Local Authorities, Police and other Partners involved in Community Safety. So whilst, all carry out mitigations against terrorist risks each has their own systems, structures and processes in place which means it is impossible for an estimate of costs in a financial year.

25. What are the existing activities and mechanisms which you consider result in the best protective security and organisational preparedness outcomes at public spaces (select all that apply)?

- a. **Communications campaigns e.g. Action Counters Terrorism and See It, Say It, Sorted**
- b. **Staff awareness raising and training courses**
- c. **Advice and guidance products and tools**
- d. **Local authority mechanisms and processes (as outlined at page 19)**
- e. **Other...** Partnership working and information sharing, along with community cohesion and being approachable to a wide range of community members and members of the general public.

26. What are the existing local authority functions which currently result in the best protective security and organisational preparedness outcomes at public spaces (select all that apply)?

- a. **CONTEST and Protect Boards**
- b. **Community Safety Partnerships**
- c. **Licensing for sports grounds safety**
- d. **Planning processes**



e. Local Resilience Forums

f. Safety Advisory Groups (for events)

g. Business Improvement Districts (which can be set up by Local Authorities, businesses or individuals to benefit local businesses)

h. Licensing Committees (for the sale and supply of alcohol, the provision of late-night entertainment and refreshment)

i. Health and Safety, fire safety and building control processes.

j. **Other** - Almost all of the above are important along with Event Safety Advisory Groups, the need for coordination at both operational and strategic levels is essential. It is unclear where Welsh Government systems fit in, eg Regional Partnership Boards, Public Service Boards, and Safeguarding Boards. Significantly, Contest Cymru has already sought to introduce Protective Security Preparedness Groups (PSPG) in Wales within a new governance structure. PSPG aim to work in collaboration to deliver effective and efficient protective security arrangements. Several local authority areas in Wales have already started to establish PSPGs, which will report into regional contest boards.

27. What are the existing local authority functions which have the potential to result in the best protective security and organisational preparedness outcomes at public spaces (select all that apply)?

a. CONTEST and Protect Boards

b. Community Safety Partnerships

c. Licensing for sports grounds safety

d. Planning processes

e. Local Resilience Forums

f. Safety Advisory Groups (for events)

g. Business Improvement Districts (which can be set up by Local Authorities, businesses or individuals to benefit local businesses)

h. Licensing Committees (for the sale and supply of alcohol, the provision of late-night entertainment and refreshment)

i. Health and Safety, fire safety and building control processes.

j. Other - Contest Cymru has already sought to introduce Protective Security Preparedness Groups (PSPG) in Wales within a new governance structure. PSPG will work in collaboration to deliver effective, efficient protective security arrangements. Several local authority areas in Wales have already started to establish PSPGs, which will report into regional contest boards. It is too early to say whether all local authorities will adopt the PSPG model or utilise existing partnership structures. The linkages to Community Safety Partnerships or other partnership structures (such as Public Service Boards) need to be established and coordination at both operational and strategic levels is essential.

[Linked to Question 27]

28. For your preferred option/s what would be required to improve or support this/these to realise more effective security outcomes?

Increased resources such as staffing – for key roles such as, administration, coordinator, adviser and compliance officer. Plus, support for communications and training. What is delivered currently is already as efficient as possible and is running at or close to capacity. The potential increased need linked to the duty is causing anxiety, additional funding and resources will be required to fulfil the duty alongside all the other duties and responsibilities of community safety and to prevent and mitigate any risks.

29. How could organisations who work at public spaces be encouraged or required to engage with partner organisations (e.g. police) to ensure there is a better understanding of terrorist threat, the management of risk and mitigating measures?

There is an opportunity for the risk assessments to be carried out as part of the temporary events processes, as this processes already involves part of the partner organisations having an opportunity to respond, this should increase engagement.

30. What are your views on a potential legislative requirement for local authorities (and relevant public authorities such as Highways Agencies) and other relevant local partners to develop a strategic plan to combat terrorism, to ensure public security, through partnership working?

There are already requirements for local authorities to work with other partners through Community Safety Partnerships and Public Service Boards to develop assessment-informed strategic plans to support the well-being and safety of communities. We also have revised Contest and Protect Governance Structures in Wales. Strengthening the connections between the partnerships would allow a wider understanding and responsibility at the highest levels. However, there is a need for the flexibility for the local risks and issues to be identified, as each local authority area is likely to have different risks and even different areas within the whole local authority area.

[Linked to Question 30]

31. What in your view would be the key components of such a legislative provision and associated guidance?

As mentioned in question 30, flexibility to respond to local needs, challenges and opportunities. It would need to take into consideration the Wales legislative context as a number of elements are devolved and may result in variations in presentation and approach to other parts of the UK.

[Linked to Question 30]

32. What organisation/s could play a leading role in bringing together and convening such partnerships?

Utilising the existing structures in Wales which involve the local authorities, police, police and crime commissioners, health, fire and safety and the third sector. The Welsh Government could have a key role to play across the whole of Wales in reinforcing the duty and promoting involvement. For example, the Welsh Government could assist with engaging the business, leisure, tourism and hospitality sectors, as well as key bodies, such as national park authorities.

[Linked to Question 30]

33. What requirements to improve protective security and preparedness could be realistically achieved by such partnerships?

Improved sharing, utilising existing governance arrangements rather than adding to them and reducing time for actions between meetings. Better links between partners but also to other programmes such as community cohesion which should reduce be part of the mitigation of risk. Furthermore funding for partnership coordinators could assist with driving the activity around planning, training, and communications. There is a keenness to have more 'doers' to assist with partnership working, rather than just 'advisors'.

34. Do you have any additional proposals to put forward which could improve security at public spaces?

As per the Manchester Arena Inquiry report recommendations, it would be worth considering placing a Protect Duty on others who have no legal interest in the property but have responsibility for security, such as those responsible for crowd management and security.

35. Where there is an existing legislative requirement for security (e.g. at certain sports grounds and transport sites, or in future those organisations and venues subject to a Protect Duty), is it reasonable to require relevant organisations (for example those surrounding the site) to work in partnership to achieve security outcomes?

"Deciding who has a Protect-Duty in relation to a shared space, what the extent of each duty is and how the duty is going to be fulfilled by the different parties will be difficult"-Manchester-Arena Inquiry. It could involve many additional parties who may not otherwise be subject to the Duty leading to additional work for partners. It could put off small holdings setting up close by, leading to empty premises that carry additional risk. Where possible they should work together but it could be challenging if it needs to be carried out multiple times depending on what venue usage.

36. Where there is currently Government security guidance (e.g. bus and coach operators and commercial ports and UK flagged ships) would it be appropriate for this guidance to be become legislative guidance under the Protect Duty to achieve greater certainty on security considerations and outcomes?

This would appear to be appropriate as in many instances it is already being carried out and therefore should not increase the workload too greatly.

- 37. Where Government has published security guidance (e.g. bus and coach operators and commercial ports and UK flagged ships) or put in place voluntary schemes for products that could be used as weapons, would it be reasonable for businesses and other operators responsible to be mandated to follow that guidance under a Protect Duty?**

This would appear to be appropriate as in many instances it is already being carried out and therefore should not increase the workload too greatly

To what extent do you agree with the following statement:

- 38. Compliance with a Protect Duty would require greater effort (e.g. time, staff resource) than compliance for comparable legal and other obligations (e.g. fire safety, health and safety, Licensing Act 2003 guidance, licensing for sports grounds, Safety Advisory Groups)?**

Strongly Disagree (SD)

Disagree (D)

Neither Agree nor Disagree (NAND)

Agree (A)

Strongly Agree (SA)

- 39. How do you think these new requirements/mitigations will affect:**

- a. Number of customers/visitors visiting venues in scope of the duty?
(not at all, increase, decrease)
- b. The public's perception of the terrorist threat?
(not at all, **increase**, decrease)
- c. Vigilance of the workforce/use of good security behaviours by staff?
(not at all, **increase**, decrease)

- 40. Annex 3 sets out the anticipated costs and benefits of intervention in the form of a Protect Duty. Please provide any comments you have on this Annex.**

Whilst the table provides costs and benefits in terms of possible outcomes, it does not appear to cover the additional financial costs that are likely to occur. It also does not identify the benefit of secondary prevention which is likely to come about because of the additional security and observation taking place, such as reduced Anti-Social Behaviour or other crimes.

- 41. Are there any other issues regarding what parties within the scope of a Protect Duty should be required to do that you would like to offer views on?**

There is concern around the capacity and resources that are going to be required to deliver this and where it will sit alongside other legislation and guidance requirements. There is a limit to the number of partnership meetings that people can

attend and meaningfully engage with, which is why utilising existing structures is so important rather than develop additional stretching partners further.

Section 3: How should compliance work?

42. How can an inspection regime best be used to support improvements to security culture and practices?

Consistency and ensuring the same quality is delivered to prevent a post-code lottery. The regime needs to work in partnership with the other structures that provide inspection and security arrangements, if it works independently there is an increased risk of gaps or duplications taking place. There is also the real possibility that people will approach those they know in the existing inspection regimes and therefore capacity in those may be better increased than develop something new.

43. What are your views on the use of civil penalties (fines) for organisations who persistently fail to take reasonable steps to reduce the potential impact of attacks associated with ensuring compliance with a Protect Duty?

Whilst fines may act as a deterrent, if compliance is required for licencing and for temporary event licences then non-compliance would result in the closure or the event not taking place. This is likely to be more of a deterrent and ensure greater compliance.

44. Do you have any other comments regarding how a compliance regime (inspection and enforcement) could operate?

There is concern that those working in community safety or other local authority teams will need to be enforcers and also deliver on public spaces with so many different options on the table. It is difficult to assess the impact until it is known who will lead on compliance. Therefore, there is a need for further consultation once the model is developed further.

Section 4: How should Government best support and work with partners?

45. Do you currently access Government advice (primarily from Counter Terrorism Policing and the Centre for the Protection of National Infrastructure) regarding threat, protective security and preparedness?

Y/N

[If 45 = Y]

46. What, if anything, do you find most valuable in current advice and guidance?

We consider that easy to understand information regarding threat and attack methodologies is an important aspect of current advice and guidance to ensure as many people as possible act to counter terrorism. For example, the freely available e-learning awareness training programme. To maximise the impact of online training and awareness, access to Counter Terrorism Security Advisers is also a valuable aspect of current advice and guidance.

[If 45 = N]



47. Why do you not currently access this advice and guidance?

- a. I did not know it existed
- b. I do not think I need to address the threat
- c. I do not have the time to access this
- d. It is too confusing to find what I want
- e. Other

48. What would you find most useful to help you to comply with a Protect Duty (select all that apply)?

- a. A single, digital service where you could access relevant material, advice and training in one place
- b. Easy to digest information regarding threat and attack methodologies
- c. A risk assessment template
- d. Information on undertaking a risk assessment for terrorism threats
- e. Advice relating to protective security mitigations
- f. Advice relating to personnel and people security
- g. Advice relating to how an organisation can prepare for terrorism attack
- h. Advice on what constitutes reasonably practicable and appropriate mitigations appropriate for my circumstances
- i. Development of product certifications or standards for aspects of the approach
- j. Staff training and awareness courses
- k. E-learning products
- l. An App
- m. A sector meeting where I can talk about the Duty with experts and other similar organisations
- n. A local meeting where I can talk about the Duty with experts and other similar organisations
- o. Other: Clear, jargon free information. Information in the Welsh Language.

**49. Counter-Terrorism Policing are working with Government and the Private Sector to design a digital service to provide access to relevant counter-terrorism material, advice and training in one place for organisations operating in publicly accessible locations. Do you anticipate that you would access counter terrorism information through this service if it were available to you?
Y/N**

[If 49= N]

50. Why not?

[If 49 = Y]

51. What would you most likely use this kind of service for (tick all that apply)?

- a. To get general updates on how the terrorism risk is changing
- b. To support business planning activities
- c. To understand what risk management activities you need to do



- d. To access CT training**
- e. To connect with other organisations to discuss counter terrorism**
- f. To understand what to do after an incident**
- g. Reporting of suspected terrorist activity/concerns**

52. Do you have any further comments or suggestions for how you might like to access counter-terrorism information and work with local partners on counter-terrorism issues in the future?

Short, bilingual, jargon free communications which cover small elements, similar to the 7 minute briefings developed by Safeguarding Boards in Wales. Ensure these are widely distributed and promoted.

53. What role should local business partnerships (such as Business Improvement Districts, Local Enterprise partnerships, etc.) have in supporting organisations and venues to deliver improved security?

Support and sharing of best practice, there may also be an opportunity for combined commissioning or procurement for resources and services. There is also a question of who will be legally accountable when such partnerships are involved in the delivery of the Protect Duty.

54. Working with others, what could the Government best do to incentivise improved security practices?

Work collaboratively with the Welsh Government so it is clear the role of the devolved administration and the variations in legislation that will impact on public bodies and others for whom the Protect Duty will apply. Work with the insurance industry so that those who need to comply are not negatively impacted as they are seen as carrying additional risk or those who don't need to be comply seen as an extra insurance risk as none of the assessments or mitigations are required.

55. To support the provision of high-quality advice and guidance from private sector security professionals providing counter terrorism security advice, Government should consider (tick all that apply)

- a. Government supported standards for Counter Terrorism (CT) risk assessments and advice**
- b. Qualifications / Accredited training for individual professionals**
- c. Government supported 'approved contractors scheme'
- d. Regulation of CT consultants**
- e. None
- f. Other
- g. I don't know

56. What advice and support do you think would be required for organisations and venues within the scope of a Protect Duty?

Funding to support the development and capacity to support from within community safety and enforcement areas to enable capacity to be grown. Sufficient access to Counter Terrorism Security Advisers. Standard assessments and information on what a good assessment looks like and what should be covered whilst enabling the flexibility of the local environments and the range of other legislation that will also still apply.

57. Given the complexity of public spaces, and the potential need for partnership working to achieve effective ways of working leading to improvements in protective security and preparedness, what additional bespoke support and expertise could be provided?

Utilise the existing partnerships that are in place rather than develop something new. Provide jargon free information and advice and then allow the partnerships to develop the risk assessments and mitigations and to work together across geographical areas where it is most appropriate. Provide leadership training for the Public Service Boards so they understand the additional requirements on them and partners.

58. Do you have any other proposals on what Government could do to support partners in the delivery of a Protect Duty?

Work closely with Welsh Government so that information is available that is applicable in Wales and doesn't need tweaking. There needs to be a clear link and working together between the Public Service Boards, Community Safety Partnerships, Event Safety Advisory Groups, Contest Cymru, Protect Boards and Criminal Justice as they are all integral parts to delivering the Protect Duty and keeping our communities safe. There is some concern that any new partnerships, such as PSPGs, may be separate and risk not having the local partnership links that the existing structure have.