

PROTECT DUTY CONSULTATION

Head of Service: Rod Brown, Head of Housing & Community
Wards affected: (All Wards);
Urgent Decision?(yes/no) No
If yes, reason urgent decision required:
Appendices (attached): None

Summary

To respond to the Government's consultation on the introduction of a new Protect Duty, aimed at helping protect public venues and spaces from terrorist attacks.

Recommendation (s)

The Committee is asked to:

- (1) Submit a consultation response to the Government's consultation on a new Protect Duty by 2nd July 2021**
- (2) Agree the consultation response to be submitted on behalf of the Council by the Head of Housing and Community in consultation with the Chair and Vice-Chair of Environment and Safer Communities, Director Environment, Housing and Regeneration, Head of Operational Services and Head of Property and Regeneration.**

1 Reason for Recommendation

- 1.1 Responding to the Government's consultation will be an opportunity to influence the eventual Protect Duty.

2 Background

- 2.1 The UK Government's counter-terrorism strategy known as CONTEST is composed of four strands:
 - Pursue –catching terrorists before they carry out an attack;
 - Prevent – stopping people from becoming terrorists or supporting terrorism;

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- Protect – making infrastructure and similar targets less vulnerable to attacks;
 - Prepare – planning responses in the event of an attack.
- 2.2 The nature of the threats from terrorism continue to evolve. Attacks in recent years have taken place in open spaces, requiring a shift in emphasis from protecting a small number of iconic sites, to protecting a larger number of public sites.

3 Consultation

- 3.1 The Government notes that, with some exceptions (for instance on transport security and for certain sports grounds), there is no legislative requirement to consider or implement security measures at publicly accessible locations.
- 3.2 In preparing to introduce a new legal Protect Duty, the Government is consulting to determine the scope and content of the duty. The consultation ends 2nd July 2021.
- 3.3 Details of the consultation are available through the government website here: <https://www.gov.uk/government/consultations/protect-duty>.
- 3.4 The consultation is wide ranging with proposals under four broad themes:
- 3.4.1 Who should the legislation apply to?
- a) Public venues – owners and/or operators of publicly accessible venues with a capacity of 100 persons or more.
 - b) Large organisations - employing 250 staff or more that operate at publicly accessible locations.
 - c) Public spaces – such as public parks, bridges, market places and pedestrian areas.
- 3.4.2 What should the requirement be?
- a) For large organisations and public venues to make use of available information and guidance provided by the Government (including the police) to consider terrorist threats to the public and staff at locations they own or operate.
 - b) Assess the potential impact of these risks across their functions and estate and through their systems and processes.
 - c) Consider and take forward “reasonably practicable” protective security and organisational preparedness measures, including staff training and planning responses in the event of an attack.

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3.4.3 How should compliance work?

- a) For public venues risk assessments should demonstrate the range of threats considered, steps taken to mitigate risks and steps taken to prepare for and /or respond in the event of an attack and if steps have not been taken the reasoning why.
- b) Organisations in scope should record and retain risk assessments and subject to review.
- c) Compliance for public spaces will be dependent on discussions to determine what would constitute appropriate legislative requirements in these areas.
- d) It is proposed that an inspection regime is likely to be required to ensure the new duty is being adhered to.

3.4.4 How should government best support and work with partners?

- a) In addition to the already established governmental organisations providing security advice, the proposals include for additional information being available regarding threat and attack methodologies, understanding and managing risk, information on mitigating threats and other bespoke support.

3.1 The proposals suggest that a requirement for local authorities and other relevant partners for public spaces could include:

- Developing local strategic plans to mitigate the risks and impacts of terrorism.
- Implementing proportional measures to improve public safety and security.
- Establishing clear roles and responsibilities for local partners.
- Working with key partners to consider how a security plan would operate in priority local areas.

4 Risk Assessment

Legal or other duties

4.1 Impact Assessment

- 4.1.1 Should the council not act in accordance the eventual Protect Duty there could be legal, financial and reputational risks to the council.

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4.2 Crime & Disorder

4.2.1 There are clear implications for crime and disorder surrounding the introduction of the new duty to protect. The Epsom and Ewell Community Safety Partnership will be consulted on the proposals set out in the consultation.

4.2.2 The Chairs of the Safety Advisory Group will also consider the implication of this new duty.

4.2.3 Organisations, businesses and faith and other groups may also be impacted by the new Protect Duty and officers will ensure they are aware of the current consultation.

4.3 Safeguarding

4.3.1 There are mechanisms already available to the council for the sharing of relevant information about individuals or locations where there could be concerns associated with terrorist activity. There are no new additional impacts envisaged from this new duty.

4.4 Dependencies

4.4.1 The outcome of the government's consultation process may give rise to further changes in the proposals being considered

5 Financial Implications

5.1 It is anticipated that there would be financial implications resulting from the imposition on a new duty to protect on local councils. There could be increased costs associated with measures deemed reasonably practicable designed to mitigate new risks identified and staff training costs associated with any such duty.

5.2 **Section 151 Officer's comments:** Financial implications will need to be assessed and addressed once any new duty is finalised. The Council's consultation response will include feedback that any new responsibility ought be backed by appropriate government funding.

6 Legal Implications

6.1 The Council would need to comply with any new Protect Duty should the duty apply to the Council and either an employer, owner of any applicable venue or public space.

6.2 **Monitoring Officer's comments:** none arising from the contents of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The Safe and Well Key Priority is engaged.

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- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None anticipated.
- 7.4 **Sustainability Policy & Community Safety Implications:** It is anticipated that the introduction of a new Protect Duty would have implications for the Epsom and Ewell Community Safety Partnership and the joint working of statutory partners involved in the partnership.
- 7.5 **Partnerships:** The Council is statutory partner along with Surrey Police, The Epsom Business Improvement District and others in the Epsom and Ewell Community Safety Partnership.

8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- The Government consultation on the new Protect Duty can be seen here: <https://www.gov.uk/government/consultations/protect-duty>