

15th June 2023

FAO: Home Affairs Select Committee via Committee Inquiry Portal

Pre-legislative scrutiny of the Terrorism (Protection of Premises) Draft Bill

As the representative body for the UK live music industry, LIVE appreciates the opportunity to offer evidence as part of the committee's consideration of the draft Terrorism (Protection of Premises) Bill. By publishing a draft bill, the Home Office has provided time for detailed and expert consideration of these proposals. Given the breadth and complexity of the protect duty proposals, we think it is imperative that time is taken to consider detailed expert evidence across all aspects of the draft Bill.

As an industry, we remain resolute in our longstanding commitment to keeping fans who attend live music events safe. LIVE will continue to work closely with Government to ensure the final plans are realistic and workable and, crucially, sit appropriately alongside existing regulatory requirements to improve safety for all.

LIVE is the umbrella organisation representing the live music business in the UK. Across [15 member associations](#) we represent over 3,000 companies, 4,000 artists and 2,000 backstage workers. Our membership covers the full spectrum of festivals and venues (from grassroots to major) and the promoters, agents, managers, production teams and services that create Britain's world-class events. In preparing this submission, LIVE has benefited from expert input from our colleagues in the business events community. As a result, this submission is supported by the Events Industry Alliance which incorporates the Association of Event Venues, the Association of Event Organisers and the Event Supplier and Services Association.

Our members' key concern is the absence in the draft Bill of consideration of the role of the existing licensing regime in preventing terrorism. This creates the potential for confusion, contradiction, and disproportionately burdensome regulation.

The LIVE submission to the committee comprises this letter and:

- Advice from Philip Kolvin KC, offering expert commentary on the Bill and recommendations.
- LIVE's response to the Home Office protect duty consultation, which shows that many of our members' questions and concerns remain unaddressed.
- A non-exhaustive overview of the existing regulatory regimes for live music and events venues, alongside which the proposed protect duty regime would need to coexist.

In summary LIVE's position on the Bill is that:

- The first duty of the state is the protection of the public. Event organisers, venues, employees and artists expect state action to prevent terrorism entering the public domain.
- The current draft Bill duplicates the provisions and duties of existing legislation. Government must conduct a comprehensive impact assessment of the existing legislative framework.
- The existing legislative regime already regulates the LIVE sector and has counter-terrorism as a consideration. This Bill must not conflict with operators' wider regulatory duties.
- There are multiple opportunities for government to add counter-terrorism into guidance and processes without introducing new legislation.
- The definitions of the Protect Duty and the responsibilities of duty holders must be clarified. The Bill must spell out who is the responsible duty holder and where the duty applies.

- The requirements of the Bill must be proportionate and deliverable. Government must support the industry in making any new duty work e.g. a national training programme.
- Uniformity is required in enforcement, training and intelligence and information sharing. It is not clear, at present, how this would be achieved.

Executive Summary of advice received from Philip Kolvin KC

- Licensed premises form the lion's share numerically of premises to be regulated under the proposed legislation and will comprise the largest such premises, the most concentrated geographically and the most densely packed in terms of users.
- It is not easy to understand why the draft Bill simply does not recognise that the licensing system provides a perfectly serviceable regime for achieving the ends of Martyn's Law in local areas through local regulators, at the saving of many billions of pounds to the public purse.
- The Secretary of State can amend the s.182 Guidance and/or issue mandatory conditions, and licensing authorities can adjust their statements of licensing policy in response.
- It is unclear why the existing regime has been sidelined in favour of a remote national regulator. As the RPC said, the Impact Assessment needs to address disproportionality.
- The Impact Assessment accompanying the draft Bill is silent on the topic of licensing. It offers an overly simplistic contrast between the proposed new regime and doing nothing at all.
- This Bill affects far too many premises, and imposes burdens which are too substantial, and cost so much money to implement, for such a shallow analysis of the potential means of achieving its ends.
- There is a clear risk that measures under this Bill could cut across measures under the licence.
- It is suggested that a penalty of up to £18m or 5% of an operator's worldwide revenue (whichever is the greater) could be imposed without any hearing, let alone a judicial process, and on balance of probabilities. This is neither justified nor proportionate.
- Operators will be deterred from putting on cultural events because of these very draconian and peremptory powers, they are a step too far and should be dropped.
- The Bill should be rebalanced to define the State's responsibilities and ensure that disproportionate burdens are not placed on premises.
- It seems to be vastly onerous to constitute a new national regulator with oversight of 300,000 premises, equipping it with the most draconian of powers, when there are perfectly good local regulators which are or could be equipped for the purpose.
- The ends of the draft Bill can be attained through use of existing local processes, in a way which imposes a considerably lower burden on operators and the public purse.

Conclusion

Given live music venues, festivals and event spaces will make up the vast bulk of premises subject to the requirements of the draft Terrorism (protection of Premises) Bill, we are uniquely positioned to contribute on behalf of the industry and would appreciate the opportunity to present oral evidence to the committee.

In addition, we are keen to offer whatever other support the committee might require, such as expert testimony from Philip Kolvin KC, or supplementary guidance on the requirements of the current licensing regime.

LIVE would be happy to facilitate a site visit or visits to a venue or festival for Committee members to see current practices and the potential for conflict or confusion from the proposed protect duty requirement.

Finally, LIVE is firmly of the view that, before introducing a new regime, a much more complete impact assessment must be carried out to audit current requirements and duties (primarily under the Licensing Act 2003) on venues and avoid conflicting responsibilities. In line with the Regulatory Policy Committee, we feel disproportionality is a risk and would ask the Committee to recommend the Home Office undertake this assessment at the earliest opportunity.

Your sincerely,



Jon Collins

Chief Executive, LIVE

TERRORISM (PROTECTION OF PREMISES) BILL

ADVICE

Introduction

1. I am instructed to advise on the draft Terrorism (Protection of Premises) Bill (“the Bill”).
2. My client is the Concert Promoters’ Association Limited (“the CPA”). The CPA is a trade body established in 1986, its membership today comprising over 60 of the UK’s largest corporate promoters of live music and other entertainment. It works to provide a forum to campaign on issues of concern to its members and to support the growth of the industry.
3. This advice consists of:
 - (1) A brief summary of the Bill.
 - (2) A commentary on the Bill.
 - (3) Recommendations.
4. I add that while this advice is necessarily directed at the impact of the Bill on my client’s interests, most of the commentary applies to licensed venues as a whole.
5. So far as the recommendations are concerned, I have made some broader suggestions so as to achieve regulatory parity between licensed and non-licensed venues.

(1) A brief summary of the Bill

6. The Impact Assessment for the Bill explains that the strategic objective is to keep citizens safe and secure, while the policy objectives are to 1) reduce the impact of terrorist attacks where they do occur, 2) provide clarity of responsibility, at premises in scope, 3) improve consistency of security considerations and 4) expand the support available to help those responsible for the delivery of security in publicly accessible locations (“PALs”).
7. The Bill provides for two sorts of premises, standard duty and enhanced duty premises. Both must fulfil the use criteria set out in Schedule 1. The former have a public capacity of at least 100, the latter have a public capacity of at least 800. The legislation also provides for qualifying public events, which would include concerts and festivals, with a capacity of at least 800. All of these must be registered with or notified to a national regulator. The Impact Assessment estimates that over 300,000 premises will be regulated. This will make it by some stretch the largest regulator of individual premises across the regulatory field.
8. Standard duty premises will have to carry out a standard duty evaluation, whereas enhanced duty premises and qualifying public events will have to carry out an enhanced terrorism risk assessment. The latter is more detailed, with greater focus on practicable prevention measures, which will need to be adopted, together with a security plan, overseen by a “designated senior officer”. All will need to train relevant workers.

9. Turning to the regulator, this will be a national body. It has not yet been decided whether the regulatory responsibilities will be placed with an existing regulator or a new ALB. It will have extensive investigatory powers.

10. The regulator will be able to serve contravention notices where there has been failure to comply with one of the legislative requirements, requiring remediation. It will also be able to serve restriction notices which can restrict the uses, times or capacity of the premises or event, impose conditions or even shut the premises or event down. There is a right of appeal to an as yet unnamed tribunal. Failure to comply is an offence with a due diligence defence provided.

11. The regulator will also be able to impose civil penalties and daily penalties, following a notice and representations process. For enhanced duty premises and events the maximum penalty is £18m or 5% of the worldwide revenue of the organisation, with daily penalties 1% of that. The notice can be served on “a person” who is contravening a requirement of the legislation. Again, there is a right of appeal.

12. The Secretary of State can issue guidance on the Bill’s requirements, while the regulator is confined to giving guidance about the exercise of its own functions.

(2) A commentary on the Bill

13. From the perspective of a licensed operator, the Bill suffers from a notable lacuna. It simply fails to acknowledge the role of the licensing system in protecting the public.

The only mention of licensing is in Clause 38, dealing with when licence plans can be removed from the public register.

14. The purpose of the Licensing Act 2003 was essentially four-fold:

- To place control of licensed premises in the hands of local licensing authorities, which are obliged to have regard to national guidance issued by the Secretary of State under section 182, and also to have regard to their own statement of licensing policy under section 4, so achieving a broad consistency of approach, whether national or local.
- To bring together regulation of premises under one legislative scheme, so as to avoid duplication of regulation, with a long list of responsible authorities able to make representations on applications or to apply to review premises which are noncompliant or failing to meet the public interest objectives of the legislation. The Police, obviously, are a responsible authority.
- To set out licensing objectives, which are the prevention of crime and disorder, the prevention of nuisance, public safety and the protection of children from harm.
- To give licensing authorities power to curtail or even revoke licences using powers of review or, in urgent cases, summary review.

15. Clearly, the prevention of terrorist acts engages all of the licensing objectives. Therefore, such prevention is directly within the scope of the Licensing Act.

16. I would add that, in addition to issuing guidance, the Secretary of State can make specific requirements of licensees by issuing mandatory licence conditions or mandatory codes. Typically these concern responsible alcohol service, but there is no reason why they could not include other obligations such as mitigation of terrorist risks.

17. In practice, the prevention of terrorism is dealt with under the Licensing Act in a number of ways.

18. First, at the individual decision-making level, any responsible authority, or indeed anyone else, can make a representation dealing with terrorism. Similarly, a review may be brought on the grounds that the premises are not doing enough to counter the threat of terrorism. This gives the licensing authority power, for example, to attach conditions concerning counter-terrorism.

19. Second, an authority may set out specific expectations regarding terrorism in its licensing policy. A good example is Westminster City Council, which sets out detailed requirements which operators need to meet on pain of facing a refusal of their application or a revocation of their licence. I have appended to this advice some extracts from Westminster's policy dealing with terrorism.

20. Third, in respect of events, authorities establish Safety Advisory Groups ("SAGs"), which scrutinise pending events and work with organisers to ensure that the licensing objectives are promoted. Whether because they have a veto over the event under the premises licence¹ or because of their independent powers under health and safety legislation or police legislation, organisers need to have secured the approval of the SAG before their event proceeds. For festivals, taking one example, there is practically always a need for a counter-terrorism risk assessment, with the Police playing a key role in ensuring that the measures proposed are adequate, and based on factors including the current risk level, local intelligence and factors directly related to the event.

21. I would add that for events taking place in sports stadia, as well as a premises licence or licences, there can be three other, separate, consents in place: a licence from the Sports Grounds Safety Authority ("SGSA"), a safety certificate from the local authority for the sporting events there and a special safety certificate, also from the local authority, for other types of events, such as concerts. SGSA's policy is to adopt a wide approach to the concept of safety, to include counter-terrorism. It can therefore attach conditions to a licence requiring incorporation of counter-terrorism measures. It can also direct local authorities to include measures in safety certificates. Its advice to authorities is as follows²:

4. Counter Terrorism

Are procedures in place to hold parts of a SAG meeting in confidence where this is required by the information to be discussed?

Does the ground have contingency plans that include the different methods of people movement in an emergency situation?

Does the ground have a lock down plan?

Is there a specific counter terrorism plan that has been developed by the club?

Are all counter terrorism documents marked in accordance with a secure documents scheme, such as the Government Security Classification Scheme?

Has the ground produced a plan to deal with an increase in the threat level?

1 In some cases, depending on local procedures, SAGs are simply consultative but for practical purposes an event would not proceed without their fiat.

2. <https://sgsa.org.uk/wp-content/uploads/2018/09/Wider-Definition-of-Safety-Local-Authority-Checklist.pdf>

22. In all of these ways, therefore, provision has been made or could be made for counterterrorism measures to be dealt with through the licensing regime.

23. This is of cardinal importance, because not only will licensed premises form the lion's share numerically of premises to be regulated under the proposed legislation, but they will also comprise the largest such premises (e.g. stadia, festivals and nightclubs), and will be the most concentrated geographically and the most densely packed in terms of users. For these reasons, it is not easy to understand why the draft Bill simply does not recognise that there is a regime which is operational and actually and potentially capable of achieving the same ends as the legislation in view.

24. A similar point regarding the existence of a tailor-made regime was made by Sir John Saunders in his recommendations in Volume 1 of the Manchester Arena Inquiry Report:

Similar considerations apply to licensing permissions. Any building such as the Arena would require a licence to permit public entertainment and the sale of alcohol. Public safety has always been a consideration in the granting of licences and the clear terms of the Licensing Act 2003 mean that it still is.

I recommend consideration is given to these matters when legislating for a Protect Duty. The Home Office, in their submissions to me, indicated that they will consider reviewing the Licensing Act 2003 guidance once a Protect Duty has been brought in. An addition to that guidance is all that would be required. Any change in the guidance needs to be consistent with a new Protect Duty and there seems no reason why it should not be issued at the same time as the introduction of the new duty.

25. Therefore, it might reasonably have been expected that the Impact Assessment accompanying the draft Bill would contain some analysis of whether the licensing system provides a suitable means of protecting the public from terrorism, or at least an explanation of how separate regulatory regimes, sitting side by side, were thought to be necessary, and how they were expected to complement each other. However, the Impact Assessment is silent on the topic. It does not mention the Licensing Act at all, except in the context of Sensitive Information in Licensing Applications.

26. This omission is really underlined by the two options which the Impact Assessment explores. The first option is to do nothing. The second option is to introduce the legislation contained in the draft Bill. This is the equivalent of Henry Ford's aphorism that a customer could have a car in any colour as long as it was black. Respectfully, the Bill affects far too many premises, and imposes burdens which are too substantial, and costs so much money to implement, for such a shallow analysis of the potential means of achieving its ends. The ends are necessary and admirable, but that makes it the more important that there is thorough consideration of how they are to be achieved in a proportionate manner.

27. In the case of licensed premises, there is no reason why the licensing system cannot be pressed into service to ensure that venues are training their staff, carrying out risk assessments and adopting measures to promote counter-terrorism. If it is thought that there is too much scope for local variation, which is not cured by section 182 guidance, then mandatory conditions can be imposed to ensure the maximum uniformity with the minimum procedural fuss.

28. I should add this. It is not only that there is a perfectly serviceable system, tailor-made to achieve the ends of the Bill but ignored by the Bill, but the Bill itself does not even explain exactly how the two regimes are expected to sit side by side. Should licensing authorities cut and paste the Protect Duty

into licences, or must they abjure involvement? Should the Protect Duty cease to apply provided that the licence contains equivalent matters? Should licence conditions dealing with counter-terrorism be deemed null and void if the Protect Duty applies, as occurs with Licensing Act conditions replicated in a sex establishment licence, or fire safety conditions? What if a licence conditions deals with matters which cover but do not refer specifically to counter-terrorism controls? May responsible authorities even apply to review the premises licence on grounds relating to counter-terrorism?

29. Further, what if measures under the Protect Duty cut across measures under the licence? For example, a search condition under a licence may result in a queue. The Protect Duty may require the obviation of queues. Obviously, when the licensing authority has dominion over its terrain it can decide how the two aims are to be reconciled. But if there is a separate authority dealing with the matter, whose will prevails? The last to regulate, or the first, or the national regulator, or the local? No answer is given, because the question has not apparently been considered.

30. In saying this, I also note the Regulatory Policy Committee's assessment that the Bill is not fit for purpose, in that it has not provided evidence that the Bill would reduce terrorism for small venues, or that a new regulator with national inspectors would be efficient compared with local compliance. I strongly agree with this, as far as it goes. The local regulatory system established under the Licensing Act is bound to be superior to, and more sensitive and responsive than a national regulatory system given the knowledge of local CTsAs, local police and PCCs, local SAGs and local licensing authorities. It is wholly unclear why it has been thought necessary to side-line the existing regime in favour of a remote national regulator. As the RPC said, the assessment needs to address disproportionality. I take the view that an unnecessary extra regulatory system is a paradigm of disproportionality.

31. It is not unusual for legislation to be adopted with insufficient understanding of how the licensing system works in practice. It represents the long experience of practitioners. In this case, the proposed legislation affects too many premises at too great a cost for the existence and effect of the licensing system to be side-lined. In my respectful view, the licensing system provides an appropriate means to achieve the desirable ends of the Bill, and deserves appropriate consideration, which has apparently been lacking so far.

32. Before leaving this point, I would note that Clause 7 of the Bill takes out of regulation under the Act certain categories of premises, including premises subject to a transport security regime, such as railway stations. That is because the objectives of the legislation are achieved under the regimes governing such assets. It is hard to see why such a specific exemption has been made for some types of premises but not others, such as licensed premises. An appeal to consistency would suggest that the same arguments for exemption appertain, but these have not apparently been considered at all.

A better way?

33. As I have stated, it would be more effective, less costly and more proportionate to ensure that licensed premises are pulling their weight, using the licensing system. The Secretary of State can amend the section 182 Guidance and/or issue mandatory conditions, and licensing authorities can adjust their statements of licensing policy in response.

34. But what of other premises?

35. In my view, the answer would be to enshrine Martyn's law in primary legislation creating duties on non-licensed premises in similar terms, i.e. to train staff, risk-assess and adopt security measures. In doing so, premises would be required to comply with codes of practice issued by the Secretary of State

or some other body in like terms to the section 182 Guidance. Failing to comply would be a criminal offence.

36. Enforcement could be by the local police, who have access to both national and local security intelligence and know their own areas. Officers could be specially trained by NPCC with input by NACTSO. Failing that, enforcement would be a local authority function with training of officers by LGA, again with relevant police input. Having local officers would mean that they could spend time liaising with authorities, police and local authority colleagues, night-time managers, town centre managers, BID managers, safer neighbourhood teams and community safety partnerships to inculcate a culture of resilience locally in a way that a national regulator of premises could never hope to do. More particularly, they can engage in formal and informal compliance monitoring, mentoring and dialogue which, if done well, almost always obviates the need for enforcement.

37. If it is thought necessary to supplement criminal enforcement powers, then the contravention notice procedure seems unobjectionable, having parallels in abatement notices in environmental health, prohibition notices in health and safety and enforcement notices in planning. The power to issue such notices would lie with licensing authorities or police/local authorities as the case may be. Failure to comply with the notice would be a criminal offence.

38. The restriction notice process is a draconian remedy, and I am not convinced that it is proportionate, when considered alongside other measures in the Bill. It would enable an official to shut down a large festival peremptorily, with no power to stay the notice pending appeal. This would be a major disincentive for a promoter to work in the UK. I am not convinced that an insurer would even insure against the risk, at least not without a premium representing a significant percentage of the cost of the festival itself. If there is genuinely an exceptional danger, it is always open to the enforcing authority to apply for an injunction, in the case of local authorities under section 222 Local Government Act 1972.

39. Finally, I should say a word about the proposed civil penalty regime. It is suggested that a penalty of up to £18m or 5% of an operator's worldwide revenue (whichever is the greater) could be imposed a) without any hearing, let alone a judicial process b) on balance of probabilities. Again, this is neither justified nor proportionate. By all means if an operator has broken the law, it should be prosecuted. But it is not enough to say that these powers will not often be used, as the Impact Assessment suggests. The powers are there, and while some will be strongly motivated to comply, others will be deterred from putting on cultural events because of these very draconian, peremptory powers which could be used against them. I think that the powers are a step too far and should be dropped.

(3) Recommendations

40. It seems to me that the Bill lacks fundamental balance. Terrorism is a national issue affecting all of us. The agency best placed to prevent terror is the State itself, acting through its various expert agencies and bodies, equipped with the intelligence to combat terrorism, armed and trained officers deployed for the purpose, with many powers not available to citizens. While I am sure it was not the intention, the Bill has the appearance of an instrument which passes primary responsibility for counter-terrorism to operators of premises, who lack the security intelligence, training, equipment or powers available to the State. Many premises operators are in serious financial difficulty due to various economic factors which are too well known to require repetition here. The Bill should be rebalanced to define the State's responsibilities in combatting terrorism, and also to ensure that disproportionate burdens are not placed on premises, which may not have the money or wherewithal to shoulder them.

41. My advice is that the licensing system provides a perfectly serviceable regime for achieving the ends of Martyn's law in local areas through local regulators, at the saving of many billions of pounds to the public purse. To achieve national uniformity, mandatory conditions can be imposed, section 182 guidance amended and statements of licensing policy revised. Breach could result in review, summary review or even prosecution for breach of mandatory conditions.

42. For non-licensed premises, the Protect Duty can be imposed by legislation imposing the same requirements – training, risk assessment and security measures – following codes of practice issued by the Secretary of State. Breach would be a criminal offence, again enforceable locally by duly trained Police or local authority officers.

43. If thought necessary, both regimes could provide for a contravention notice procedure.

44. Under both regimes, a national digital service would provide training materials, template risk assessments and security measures.

45. I do not believe that the powers to serve restriction notices (particularly without a stay pending appeal) or to impose civil penalties are proportionate or necessary. They could be introduced at a later stage if it is thought that, in practice, the legislation lacks teeth. Alternatively, if it is thought really necessary, the existing powers which the police and local authority have to close premises in the event of nuisance or disorder could be amended or adapted to provide equivalent powers in respect of counter-terrorism. I do not believe that the power is necessary. But, in any event, what seems to me to be vastly onerous is to constitute a new national regulator with oversight of 300,000 premises, equipping it with the most draconian of powers, when there are perfectly good local regulators which are or could be equipped for the purpose.

46. In conclusion, Martyn's law is important. But that does not mean that the wheel must be reinvented, or that a wholly new regulatory regime should be introduced to sit over an existing regime catering for the same things, or that the regime should contain sanctions out of all proportion to existing sanctions for other regulatory failings, or that the regime should serve to deter operators from providing cultural opportunities, an already marginal activity.

47. For those reasons, I have made several recommendations which will enable the ends of the draft Bill to be attained through use of existing local processes, in a way which imposes a considerably lower burden on operators and the public purse.

PHILIP KOLVIN KC

2nd June 2023

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Temple EC4

Response to the Home Office Protect Duty Consultation

About LIVE

1. LIVE (Live music Industry Venues & Entertainment) is the voice of the UK's live music and entertainment business. LIVE members are a federation of 13 live music industry associations representing 3,150 businesses, over 4,000 artists and 2,000 backstage workers (see Annex One for membership).
2. LIVE works to ensure that the interests of live music in the UK are understood and communicated to government, policymakers, regulators, the public and the wider music and entertainment industries. Through collective representation, LIVE promotes the interests of artists, venues, festivals, promoters, booking agents, crew, and production suppliers.

Context

3. Prior to the outbreak of the pandemic, the UK's creative industries were growing at five times the rate of the wider economy, generating £11.25bn in Gross Value Added (GVA) each year and supporting over 600,000 jobs. Over a third of that contribution is made by the live music industry, which adds £4.5 billion to the UK's annual GVA. Live music directly supports 210,000 FTE roles and many thousands more freelancers through its highly skilled supply chain.
4. As one of the first sectors to close at the outbreak of the pandemic, this world-beating industry has been one of the most badly affected of the entire economy over the last twelve months. From a record high in 2019, revenue was down almost 85% across the sector in 2020, according to the latest independent economic analysis.
5. The industry has a history of providing guidance and developing its events and venues to ensure a safer environment for the public in conjunction with relevant government departments. During the last twelve months LIVE has worked together with government on guidance for the delivery of covid-safe activity at festivals and concerts as well as for covid-safe artistic performances and backstage activity when live events and performances resume.
6. The LIVE industry is pro-actively engaging with police around intelligence and information sharing (including Information Sharing Agreements (ISAs) through the National Police Coordination Centre (NPoCC) and Strategic Intelligence & Briefing unit (SIB). The National Events Intelligence Unit (NEIU) is now fully funded by these and a national events strategic risk assessment is being developed. This is just one example of the industry already going beyond its statutory responsibilities and engaging with police on a national and strategic level.
7. LIVE supports all reasonable and proportionate measures to make the public safe at events. This has been and continues to be our goal. LIVE shares the government's desire to make the public safe.
8. LIVE welcomes the chance to continue to develop measures in partnership with government, the security services, the police and other relevant authorities to put proportionate security measures in place to improve public safety.

What is the Proposed Protect Duty?

9. The proposed Protect Duty is defined in the consultation as "one which enhances the safety of publicly accessible locations" and requires duty holders to consider threats, assess the impact of risk and take all reasonably practicable protective measures.

Protection of the Public

The Role of Government, Security Services and Police

10. As acknowledged in the Home Office consultation, “the first duty of the government is to protect the public”. The state should take the lead on the prevention of and protection of the public from terrorism. The state is the only agency with the resources to do so, such as the security services, the police and access to unique intelligence gathering.
11. The primary duties of the police are “protection of life and property, preservation of the peace and prevention and detection of criminal offences” with keeping the Queen’s peace regarded as the most important and over-arching duty.
12. Given that the state already holds the first duty: to lead, inform and share intelligence to prevent attack through the deployment of counter terrorism strategies, it is important that any proposed Protect Duty sits with the government’s primary duty. In fact, the performance of the proposed Protect Duty is critically dependent on the government fulfilling its primary duty.
13. It is said in the consultation about the threat of terrorism that the “police, security services and other partners do all they can to combat this threat “. LIVE applauds the efforts of the security services and the police and understands that a total number of 29 attacks have been thwarted by counter terrorism interventions since March 2017.
14. There is a concern that the Protect Duty should not delegate responsibility for counter terrorism away from the state. Counter terrorism measures must be led by government and supported by the private sector and the public.
15. Therefore, the starting position for the protection of the public should always be the performance by the state of its first duty and the second stage is how the private sector and the public can support the state in discharging its primary duty.
16. The public, including event organisers and venues, their employees, and artists, all expect a duty of protection from the state to prevent terrorism entering the public domain.
17. The consultation does not define the duty of the security forces and the police in the context of the Protect Duty. The security forces and police have extensive powers and duties and unique intelligence in contrast to the private sector: the live music industry, the private security industry, or the public at large. Therefore, it is critical that the role of the security forces and the police are spelt out in detail.

Existing Legislation creating Protect Duties

18. A starting point for new legislation should be an impact assessment of the existing legislative framework and any existing duties on the sector.
19. On page 7 of the Protect Duty consultation the Home Office states: “*With some exceptions (e.g. on transport security and for certain sports grounds), there is no legislative requirement to consider or implement security measures at publicly accessible locations.*” This statement is wrong in the context of the live music industry and the variety of venues where it operates, whether these are fixed venues such as grassroots venues, clubs, stadia and arenas or temporary venues such as festival sites.
20. **Legislation already regulates the live music industry.**
21. **Licensing Act 2003:** Where premises provide licensable activities, for example live music, recorded music, performance of dance, supply of alcohol or late-night refreshment, a licence is required and there is a requirement to promote the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

The Licensing Act 2003 presents a framework of licensing objectives which a premises licence holder must demonstrate to be promoted before a premises licence, which authorises the premises to hold an event, is granted. Counter terrorism is *already* an issue which should be considered under the first two objectives listed above and in fact, it is now commonplace for counter terrorism risk assessments to be required under the conditions of a premises licence for events. The planning process for events is an adequate forum to provide event specific counter-terrorism risk assessment which is scrutinised and approved on a multi-agency basis.

22. Section 182 guidance of the Licensing Act 2003 provides statutory guidance regarding the licensing of premises and the promotion of the licensing objectives which is “a key medium for promoting best practice” and “ensuring consistent application of licensing powers across England and Wales”. A licensing authority must “have regard to” this guidance when making decisions. The last revision of this guidance was issued in April 2018. Currently it does not refer to counter terrorism but an addition to this guidance requiring a counter terrorism risk assessment to be provided in all applications for premises licences could be implemented quickly and easily.
23. Many licensing authorities in their licensing policy set out requirements for licence applications to authorise events. These policies could uniformly include a requirement for a counter terrorism risk assessment as part of an application.
24. Sports grounds, where large live music events are regularly hosted, are required to hold general safety certificates which provide measures to protect the public and may also require a special safety certificate for specific events. A condition of a general safety certificate or a special safety certificate could uniformly require a counter terrorism risk assessment to be carried out and approved prior to an event taking place. Additionally, the Guide to Safety at Sports Grounds (Green Guide) is a key document used for stadia and the newer arenas as well as guidance which local authorities use. Section 3.14 details measures venue owners/operators should have in place for counter terrorism planning
25. **Health and Safety at Work Act (HSWA) 1974:** Places a legal duty on employers to ensure, so far as reasonably practicable, the health, safety, and welfare of employees, and to ensure that employees *and others* are kept safe. Health and safety legislation has the expectation of reasonable protection to workers and employees working on property under the control of the employer which is particularly relevant where employees may be faced with a terrorist incident.
26. **Occupiers' Liability Act 1957/Occupiers' Liability Act 1984** - the person who controls the premises (the 'occupier') is liable for the physical safety of everyone who comes onto the premises. If there is a specific danger on the premises, then this danger must be highlighted to all visitors. This obligation may not extend to terrorism as terrorism has not been regarded as a foreseeable act that those liable could protect against. This may change if the Protect Duty requires protection from terrorism.

Existing Protect Duties

27. As set out above, the licensing objectives under the Licensing Act 2003 include ***the prevention of crime and disorder and the promotion of public safety***. These duties include the physical safety of people using the relevant licensed premises, not only customers but also performers. It is also recognised within the licensing regime that the physical safety of other persons may also be covered by other legislation, such as health and safety legislation.

28. The duties to promote the prevention of crime and disorder and to promote public safety, may be enforced by conditions which can be attached to a premises license by a licensing authority, which would typically include the obligations to plan events via a multi-agency process (often the safety advisory group) and prepare a detailed “Event Management Plan” which would include, but not be limited to:
- Risk assessments
 - Security and stewarding plans
 - Searching policies on entry
 - Crowd management plans
 - The provision of CCTV
 - On site medical provision
 - A Major Incident Plan
29. The planning process for events works to a scheduled timescale during which the event management plans for events are scrutinised on a multi-agency basis usually by a safety advisory group or other specially formed multi agency groups before receiving final approval. For many events, multi-agency table-top exercises are utilised as part of the planning process to stress test the response to chosen threats and scenarios.
30. As stated above, the section 182 guidance may be revised by the Secretary of State from time to time and could, for example, identify that the counter terrorism risk assessment should be carried out as a mandatory measure in all new licensing applications.
31. Licensing authorities are obliged to produce a licensing policy. This could also be a method to require a counter terrorism risk assessment in new licence applications.
32. It has long been the industry practice to include within the security plans and major incident plans reference to acts of terrorism and procedures should a major incident be declared. For example, where a major incident occurs, control is passed to the police and an organiser makes its resources available to be directed by the police to assist in managing the event.
33. The industry’s Purple Guide, last revised in May 2021, gives guidance to the events industry on best practice relating to counter terrorism including:
- i) Section 7 for Transport Management:
 - *7.41 Seek advice from your local police on anti-terrorism measures that may need considering – commonly referred to as Hostile Vehicle Mitigation (HVM) – objects specifically placed to stop vehicles entering a given area, or possibly just to ensure vehicles cannot drive at speed. You will need to balance the need for appropriate measures against delays that cause queues and so targets. Most HVM measures are to protect crowds of people and as such are not likely to directly affect traffic. However, many events have access from the car park to the event via a ticketing system that could cause queues. Consider parking known vehicles (staff, contractors etc) at the front and so acting as a simple but effective barrier between queuing visitors and live traffic areas.*
 - ii) Section 26 dealing with Crime and Disorder
 - *26.2 Organisers need to consider a wide range of offences that could affect their event, from thefts and cyber-crime, to assaults (including sexual) and drug related offences. Acts of terrorism also need to be considered in the modern world.*
 - iii) Section 27 on Unmanned Aircraft (drones)
 - *27.50 The current risk is most likely from drones less than 2kg in weight, with surveillance systems attached. Most likely they will have been procured and flown by a hobbyist or SME with the aim of gaining images or viewing the events from an aerial position.*
 - *• Criminal/Terrorism - There is also the threat of drones being used for criminal/terrorist purposes. They could potentially be used for reconnaissance prior to the event or to carry*

and deliver hostile payloads into the venue for activation prior to or during event time.

- iv) Section 28 on Working with the Police
 - *28.23 It is important that organisers liaise with the police in terms of intelligence about possible threats and criminality (including terrorism) to ensure these are included in event planning. There should be no cost involved from the police in providing this information and an established national police network has been set up for sharing intelligence about events called the National Events Intelligence Unit (NEIU). This facility is actively engaged with the industry and should be accessible via the local police planning team.*
- v) Section 31 on Insurance
 - *31.12 Terrorism: Cover for this has become more common due to the fact music and public events have been targeted in the recent past. The threat of terrorism is not purely restricted to the event, something could happen nearby and have a knock-on effect, resulting in cancellation.*
- vi) Section 33 on Adventure Sport Activities
 - *Organisers need to plan for contingencies, such as extreme weather. Some of these may be common to all events but others will be specific to the type of event taking place. Some examples are shown below: including terrorism.*

Existing Processes and Structures

34. **Local Authority Safety Advisory Group (SAG).** SAGs are usually co-ordinated by a local authority and made up of representatives from the licensing authority, responsible authorities, other relevant authorities, and the event organiser. They may be event or location-specific and are broadly based on the licensing authority's geographical boundaries. While event organisers and others involved in the running of an event retain the principal legal duties for ensuring public safety, the SAG meets and advises on the safety of proposed events. SAG's have a power to scrutinise event plans and provide advice to event organisers and the licensing authority which includes all relevant risk assessments in an organiser's event management plans. SAG's are not restricted to scrutinise events which require a premises licence. Following advice from SAG, it is for the licensing authority to approve (or not as the case may be) the final event management plans before an event can take place.
35. It is also common practice for specific issues, such as security, to be addressed in smaller multi agency sub-groups which then report back to the SAG.
36. Many licensing authorities have adopted a pre-application process before a premises licence application is considered. This is a process where the licensing authority assists an event organiser by setting out the areas the authority expects the application to cover. Risk assessments and major incident plans are identified as a requirement for all events.

Licensed Premises and Events

37. The consultation refers to licensing legislation only in the context of the supply of alcohol and late-night refreshment. As stated above, licensable activity is much wider and includes live music, recorded music, performance of dance, sale of alcohol or late-night refreshment, all of which must operate under a premises licence authorised by the licensing authority. The four licensing objectives in the Licensing Act 2003 are similar if not identical to the objectives of the Protect Duty. These licensing objectives must be promoted. In practice, this will provide adequate measures to protect the public by virtue of a myriad of mitigations and processes including risk assessments, the deployment of SIA security, searching on entry, crowd management, non-SIA stewarding and pre-event planning. Furthermore, the event management plan for events, following scrutiny by the SAG, must also be "signed off" on behalf of the licensing authority.

Publicly Accessible Locations

38. The consultation describes a new Protect Duty as “one that will reach across all owners and operators of publicly accessible locations. This is defined in the consultation document as follows:
- ” A publicly accessible location is defined as any 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. Publicly accessible locations include a wide variety of everyday locations such as: sports stadiums; festivals and music venues; hotels; pubs; clubs; bars and casinos; high streets; retail stores; shopping centres and markets; schools and universities; medical centres and hospitals; places of worship; government offices; job centres; transport hubs; parks; beaches; public squares and other open spaces. This list is by no means exhaustive, but it does demonstrate the diverse nature of publicly accessible locations.”
39. This definition is concerning because it is extremely broad and there will be uncertainty for operators and owners of premises to know where their duties begin and end. Inevitably, several entities will have overlapping duties when staging live events. This should be contrasted with licences granted under licensing legislation, where there is a clear delineation of the premises to which the duty relates by reference to a plan. We ask that the Protect Duty makes clear who is responsible as the duty holder, where the duty is applied and what obligations the duty holder will have.
40. Historically, there has been a fundamental distinction drawn between private and public spaces and the different responsibility for protecting the public in these spaces. The distinction between public and private spaces is an important one. Owners and operators of private premises can impose terms and conditions of entry to events on private premises. The ticket holder accepts these terms and conditions when buying a valid ticket as a matter of contract. This is not possible in a public space such as a highway or other areas outside the licensed area where the public have entry and occupation as of right. The ability of organisers to impose these terms and conditions is fundamental to the protection of the public. It enables the organisers of events “by consent” to enforce terms and conditions prohibiting items from the private space, have a searching regime on entry and authorise actions of the SIA security that it employs. In public spaces, where there is no contract, the powers of security can be no more than those of ordinary citizens. It is recognised that in these public spaces, which fall outside private spaces, it is the core duty of the police to protect the public in these spaces. This division of responsibility is crucial and must be retained.
41. For the purposes of the consultation no distinction is made between the public’s safety on private property at licensed events and the public’s safety on public property and/or in unlicensed spaces. Such a distinction is critical because of the powers that need to be available to carry out the Protect Duty.
42. In the consultation, it is not clear how it is intended the Protect Duty is to be delivered in public spaces. What are to be the duties of the state and the police, and what are the duties of the owners or operators of the space?
43. It is difficult to envisage how those responsible for publicly accessible locations must be ready and prepared to take appropriate action were a terrorist attack to happen when there is no distinction drawn between private premises and public spaces. LIVE firmly believes that the responsibility for protection of public spaces should continue to be a matter for the state, that is the security services and the police. In private premises, those who own or control those premises have a duty to protect the public on their premises, in addition to the overarching role of the security services and the police.

Risk Assessment

44. The introductory section of the consultation (including the links) demonstrate that counter terrorism is a hugely complex and specialised area which would require counter terrorism risk assessments to be drafted by expert counter terrorism advisors and for the duty holder to have regard to the following:
- Compiling an appropriate risk assessment
 - Selecting and installing physical security measures
 - Developing a security culture
 - Appropriate and effective staff training
 - Understanding the terrorist threat
 - Response to an incident
45. In meeting all these criteria set out in the consultation the costs will be significant and additional costs will be incurred because the risk assessment will need to be reviewed regularly and at short notice. As the consultation points out, terrorism is an ever-changing fast-moving risk. There must be an efficient state-led mechanism where organisers of events are alerted to counter terrorism intelligence which will advise them to revisit and review their risk assessments. The transmission of intelligence to organisers by the security services and the police is a hugely important aspect of the delivery of a Protect Duty. The expectation of an event organiser or venue is that the security services/police will keep them informed as to new or specific risks to allow them to include these in the risk assessment that informs their duty of care to employees, contractors, artists, crew and ticket holders. Better intelligence information flow is a critical aspect of a Protect Duty and one where improved lines of communication would most definitely help inform an event risk assessment.
46. LIVE supports a proposal that all premises and events should have a counter terrorism risk assessment. In fact, for events in the live music industry, this type of assessment has been developing over many years. For example, historically addressing issues of bomb threats has been by way of a procedure within major incident plans. Conditions of entry to events requires the audience submitting to searching and the prohibition of “prohibited items” which would include weapons. As the consultation states, terrorism risks are ever-changing, and the live music industry is aware from its experience that the focus of terrorists has changed from causing disruption and damage to property to one of causing casualties to the public at large.
47. Terrorism is a complex issue and the preparation of a counter terrorism risk assessment should not just be left to the owners of a property or individual operators of premises. The obligation to have an up to date risk assessment should be their obligation but the content of the risk assessments need to be based on a uniform model so that all aspects are covered in addition to specific risk which may arise, for example, from the nature or layout of the premises. Counter terrorism risk assessments cannot be left just to the owners as they will need to be collaboratively authored by the state and CTSA.
48. Given the size of the industry and the huge number of events which take place in a normal year, it begs the question are there sufficient counter terrorism experts to advise duty holders upon the individual counter terrorism risk assessments that will be required? How can this be addressed and what is the impact on timescale for introducing legislation? Is the state sufficiently resourced to offer the volume of counter terrorism expertise and advice that will be necessary to service the Protect Duty?

Counter Terrorism Training

49. The consultation suggests that counter terrorism training should be given to all “employees, contractors or volunteers”. In practice, should all staff be trained? Clearly, security and stewards will require comprehensive counter terrorism training but training all employees, contractors and volunteers is a huge undertaking which will be costly, time-consuming, and burdensome. LIVE

suggests that a tiered system of training will need to be created relevant to the roles of the persons concerned. One would not expect an acoustic consultant to have the same training as SIA security.

50. There needs to be a national training programme which should be accredited and provide appropriate certification. This training will need to be provided by specialist consultants who will also need accreditation to deliver such training. Earlier in this submission the live music industry identifies in the region of 600,000 persons being employed in various capacities in connection with events. Obviously, it will take significant resources and time to train this number of people. How will this be addressed and what is the impact on timescale for introducing legislation?
51. It is essential that the responsibility for the duty to train all employees, contractors and volunteers be clear. For example, a landowner, an organiser, a promoter, contractors, and volunteers may all be involved in the delivery of an event. Is the duty to train the responsibility one or all these entities and who is the duty holder in this scenario?
52. Consideration of the issue of how the delivery of the Protect Duty by all staff will fit with the current SIA security regime where only SIA licensed security are permitted to perform certain tasks. The Protect Duty currently envisages that some duties may be performed by staff who are not SIA registered security, which does not seem to sit with the current SIA legislation.

Health and Safety at Work Responsibilities

53. LIVE's members each have responsibilities as employers set out in health and safety legislation. An employer has defined duties under this legislation to ensure the safety and wellbeing of all staff and contractors as well as ticket holders. In the scenario of a terrorist threat or attack, or any threat to life, the safety of staff and contractors, as well as ticket holders, artists and crew is paramount.
54. Civilians (which includes security and stewards) have limited powers of intervention and limited resources with which to intervene. Civilians are not trained counter terrorism operatives and do not have access to the complex intelligence available to the state, the security services and the police. Such unique intelligence is necessary to make informed decisions on whether to intervene or not. Civilians are not armed and have no resources to apprehend a suspect where life may be in peril.
55. Accordingly, there must be clear clarification from the Home Office to those who have the Protect Duty, the extent (if any) to which their staff, contractors and volunteers should intervene in response to a terrorist incident. The Protect Duty must not conflict with employers' duties under the health and safety legislation.

Response of Emergency Services

56. Recent events have highlighted that the response of the emergency services to a terrorist attack is a critical part of the Protect Duty. In addition to intelligence, the operators of venues and those who organise events need to be clear of the response that is to be received from the emergency services. The Protect Duty not only relates to prevention, it also relates to the response should a terrorist incident occur.

Inspection and Compliance

57. At present, approaches to both licensing and policing of events depend on the geographical (rural and urban) area in which the licensing authority or police force operate. With regard to the enforcement of the duty, there needs to be uniformity across all local and police authorities. How is compliance with the new duty to be monitored and enforced? Is it to be done locally or nationally?

58. With enforcement, it must be clear to the duty holder to have complete clarity on the duty itself.
59. It is noted and welcomed that an inspection regime would provide support and advice to duty holders to assist them in improving protection and preparedness before enforcement action is considered.

Limit of Capacity

60. There is a proposal in the consultation that the duty should apply to publicly accessible spaces with a capacity of 100 persons or more. The size of an audience and/or number of staff are not appropriate measures to decide whether a duty to prevent or protect the public from terrorist attack exists. A Protect Duty is an absolute duty that must apply to protecting every citizen. Measures need to be proportionate, but a risk assessment should be required for all premises and events.

The Test of “Reasonably Practicable”

61. The consultation refers to counter terrorism mitigation measures being those which are “reasonably practicable” which is suggested to be appropriate as it is already a test applied in health and safety considerations. However, in the context of terrorism and the potential loss of life, there needs to be further consideration. Health and safety law is not concerned with random, deliberate and wilful attacks designed to cause maximum loss of life. Terrorism is recognised to be an act against the state which is very different to health and safety incidents.
62. Specific guidance should be provided to make clear what actions are required by the duty holder to satisfy performance of the duty to provide mitigation measures. The duty holder should also be provided with a mechanism for approval of the measures taken to demonstrate compliance. Such a framework will benefit both the public and the organisers who have the burden of complying with the duty.

Insurance

63. There are concerns about how the Insurance market will react to the introduction of the Protect Duty. Will insurers be available to cover the new responsibilities resulting from the Protect Duty and if so, at what cost?

SUMMARY

64. LIVE supports all reasonable and proportionate measures to make the public safe at events. This has been and continues to be our goal. LIVE shares the government’s desire to make the public safe.
65. LIVE welcomes the chance to continue to develop measures in partnership with government, the security services, the police and other relevant authorities to put proportionate security measures in place to improve public safety.
66. The live music industry’s events are already heavily regulated and controlled by legislation in particular, the Licensing Act 2003, health and safety legislation/regulation and other specific safety regulation such as that relating to events of all types in sports grounds.
67. The proposals for a Protect Duty could potentially duplicate the provisions and duties of existing legislation. Therefore, LIVE calls on Govt to conduct an impact assessment of the existing legislative framework (para 18).
68. LIVE believes there should be a requirement for a counter terrorism risk assessment for all premises and events. This could be achieved quickly and easily as we suggest earlier.

69. The role of government, security services and the police are primary in the prevention and protection of the public from terrorism. It is a core duty of the state. With a new Protect Duty there needs to be absolute clarity between the role of the state and the role expected of the private sector including the LIVE sector.
70. Any Protect Duty must make clear who is responsible as the duty holder, where the duty is applied and what obligations the duty holder will have.
71. It is important not to lose the fundamental distinction between public and private spaces. There are crucial differences in how security can be provided in these spaces and because of this, the core duty of the police to protect life and property in public spaces must remain.
72. The response of the emergency services to a terrorist incident needs to be clear to the duty holder to inform its risk assessment. This response needs to be uniform throughout the services and on a national basis.
73. Intelligence sharing between the security services, police and duty holder is critical to the risk assessment and mitigation factors. This process needs to be uniform on a national basis.
74. LIVE supports a requirement to provide a counter terrorism risk assessment for all events. However, it has concerns that this should not be a tick-box exercise and should have sufficient input from counter terrorism experts. Currently, the guidance available on websites is too general and insufficiently comprehensive. A uniform mechanism to feed current counter terrorist intelligence to duty holders must be created to enable them to update risk assessments.
75. LIVE believes there is insufficient expert resource to train staff, contractors, and volunteers as well as insufficient resource to provide counter terrorism expertise to advise on counter terrorism risk assessments and any mitigations needed. A realistic timeline needs to be established for all the above resources to become available.
76. Enforcement of the Protect Duty must be uniform and there must be absolute clarity of the duty prior to it being enforced.
77. It is noted from the consultation that proposed legislation is also to be accompanied by government guidance. LIVE considers that scrutiny of the guidance is an essential step prior to the Protect Duty becoming law.
78. Whilst the prevention of acts of terrorism is paramount, the economic impact on the live music industry has not been considered properly. LIVE represents a broad church of members whose resources, and access to security intelligence, varies hugely. Post pandemic these resources will be further stretched. The new Protect Duty must be proportionate and deliverable. Government must support the industry in making any new duty work.
79. LIVE suggests that in addition to the current broad-based consultation, a focused consultation takes place between government and LIVE to fully assess the new duty and its place alongside existing duties and legislation. Such a consultation could also identify where government intervention and support may be necessary for ensuring the Protect Duty is delivered effectively, practically, and fairly across the whole sector.

Regulatory Landscape: Non-exhaustive list of legislation imposed on venues and event organisers

Protection of the Public: The Role of Government, Security Services and Police

The first duty of government is to protect the public. The state must take the lead on the prevention and protection of the public from terrorism. The state is the only agency with the resources to do so. The security services and the police have access to unique intelligence.

The public, including event organisers and venues, their employees, and artists, all expect a duty of protection from the state to prevent terrorism entering the public domain.

Existing Legislation creating Protect Duties

Licensing Act 2003: Where premises provide licensable activities, for example live music, recorded music, performance of dance, supply of alcohol or late-night refreshment, a licence is required and there is a requirement to promote the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Health and Safety at Work Act (HSWA) 1974: Places a legal duty on employers to ensure, so far as reasonably practicable, the health, safety, and welfare of employees, and to ensure that employees *and others* are kept safe. Health and safety legislation has the expectation of reasonable protection to workers and employees working on property under the control of the employer which is particularly relevant where employees may be faced with a terrorist incident.

Management of Health and Safety at Work Regulations 1999: Introduced to reinforce the HSWA and compel employers to undertake risk assessments to identify potential hazards that could affect employees or non-employees and to determine the procedures required to manage serious and imminent danger, for example, in emergency situations.

Occupiers' Liability Act 1957/Occupiers' Liability Act 1984: The person who controls the premises (the 'occupier') is liable for the physical safety of everyone who comes onto the premises. If there is a specific danger on the premises, then this danger must be highlighted to all visitors. This obligation may not extend to terrorism as terrorism has not been regarded as a foreseeable act that those liable could protect against. This may change if the Protect Duty requires protection from terrorism.

Private Security Industry Act 2001: created certain criminal offences that include engaging in licensable conduct without a licence, employing unlicensed persons in licensable conduct, obstructing SIA officials and falsely claiming SIA approved contractor status. The Security Industry Authority (SIA) is the statutory organisation responsible for regulating the private security industry in the UK. Established as a non-departmental public body in 2003, the SIA reports to the Home Secretary under the terms of the Private Security Industry Act 2001.

Regulatory Reform (Fire Safety) Order 2005, Fire Safety Act 2021, and Fire Safety (England) Regulations 2022

Food Safety Act 1990

Building Regulations 2010

Dangerous Substances and Explosive Atmospheres Regulations 2002: Requires employers to control the risks to safety from fire, explosions, and corrosive substances.

Purple Guide: The industry's Purple Guide gives guidance to the outdoor events/festivals industry on best practice relating to counter terrorism in Sections 7.41, 7.62, 26.2, 27.50, 28.23, 31.12, 33.

Health & Safety Executive guidance: HSE provides guidance on running events safely and managing crowds safely

Event Safety Guide: Provides guidance on health, safety and welfare at music and similar events published by the Health and Safety Executive, including sections on major incident planning and event risk assessments with terrorism being a consideration.

Local Authority Safety Advisory Group (SAG): SAGs are co-ordinated by a local authority and made up of representatives from the licensing authority, responsible authorities (police and emergency services), other relevant authorities, and the event organiser. They may be event or location-specific and are broadly based on the licensing authority's geographical boundaries. While event organisers and others involved in the running of an event retain the principal legal duties for ensuring public safety, the SAG meets and advises on the safety of proposed events. SAG's have a power to scrutinise event plans and provide advice to event organisers and the licensing authority which includes all relevant risk assessments in an organiser's event management plan.

Sport Ground Safety Authority (SGSA): Licenses certain sporting events pursuant to the Safety of Sports Grounds Act 1975.