Terrorism (Protection of Premises) Bill (Martyn's Law)

Standard Tier Consultation February – March 2024

Making Music submitted response

Q1.

To what extent do you agree or disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

4 Disagree → Go to Q1a

Q1a.

Which of the following best describes why you disagree that those responsible for premises within the Standard Tier should have a legal obligation to be prepared for a terrorist attack?

**98 Other → Please specify in the box below **

Making Music is responding to this consultation as a representative organisation.

Making Music is the UK association for leisure-time music, with 4,000+ music groups in membership operating in every constituency in the UK and comprising around 230,000 adult hobby musicians. We represent around 30% of the total estimated number (13,500) of such groups.

90% of our members hire standard tier premises (54% places of worship/church halls, 21% educational establishments, 15% village/community halls) for their regular activity (e.g. weekly choir or band/orchestra rehearsal) and for their performances (typical average annual performances 3.5 per group). Our music groups are run by volunteers. As regular hirers, music groups would often be key holders for a building, especially if the building is also volunteer run.

We are concerned about the legal obligation on Standard Tier premises:

1. Volunteers are less likely to agree to take responsibility for a legal obligation than a professional person, whose role expects this. In particular, volunteers wil be concerned about being personally responsible for legal penalties: being shut down, fines.

2. £10k may not be a lot to a venue at the larger end of this bracket, but in terms of our member groups, that may actually be the size of their annual turnover (63% of them have a turnover below £14,500).

3. Because of the mechanism of cooperation notices, the legal obligation would be cascaded to our members, the hirers, too; so there would be two groups of volunteers with concerns about their legal responsibilities, increasing the likelihood that one or other, or both of them, will simply decide no longer to rent out the hall or

no longer to hire the hall for their rehearsals and performances. We feel this is surely not the intention of the legislation.

Q2.

To what extent do you agree or disagree that 'the revised requirements for the Standard Tier are more appropriate for the broad spectrum of premises in scope, as outlined at paragraph 18 (e.g. village halls to a 799-seater theatre), than the previous requirements outlined in the Draft May 2023 Bill' (key changes outlined at paragraphs 40 and 41)?

2 □ Agree → Go to Q2a

Q2a.

Why do you agree that the revised requirements are more appropriate than the previous requirements?

2 □ I think the proposed changes remove unnecessary administrative burden for small premises

98 □ Other → Please specify in the box below □

The proposals remove SOME unnecessary administrative burden for small premises. We welcome that:

1. The requirement to use a specific form is removed.

2. The requirement to use specified training is removed.

3. There is now no expectation to make physical alterations to a building or purchase additional equipment.

However, we do not see the problem of the responsible person and the cooperation notices addressed for the frequent case where the ST premises are volunteer run and the hirer is volunteer run.

There is therefore still a concern that either ST premises need to have a volunteer on site all the time when hiring (and therefore may not be able to hire consistently due to lack of volunteers or may decide they will simply shut the hall) or that hirers would be made responsible persons and, alarmed at the legal implications, decide no longer to hire/run their group/ hold community events.

Despite improvement in these new proposals, therefore, this particular problem could still lead to the (we believe unintended) consequence of a drastic reduction of availability of spaces for use by the community and/or a reluctance by the community to use such spaces given the legal responsibility that may inflict on them.

Q3.

How successful, if at all, do you think the revised Standard Tier requirements will be at improving feelings of safety for staff and visitors at premises within the Standard Tier?

4 □ Not at all successful → Go to Q3a

Q3a.

Why do you think the Standard Tier requirements will not be or will only be slightly successful at improving feelings of safety for staff and visitors at premises within the Standard Tier?

2 □ I don't think the revised requirements will have any positive impact

Q4.

How easy or difficult do you think it will be for those responsible for Standard Tier premises to take forward the revised requirements (outlined in paragraph 18)?

4 □ Difficult → Go to Q4a

Q4a.

Why do you think the revised requirements will be difficult for those responsible for Standard Tier premises to take forward?

2 □ The requirements are too burdensome (in terms of time/effort) to implement

98 □ Other → Please specify in the box below □

Two reasons:

1. Even with guidance, these will be difficult responsibilities for volunteers to take on. Over Covid we witnessed record numbers of volunteers with governance and leadership roles in volunteer-run organisations leaving because they could not manage or did not want to take on the many responsibilities of holding those posts during a pandemic. This is similar in terms of legal obligation on volunteers. We understand the regulator is unlikely to reach for prohibitions or fines quickly, but volunteers take their legal responsibilities very seriously and the sense of weight of these additional legal obligations is likely to prove too burdensome for many, leading to resignations and the impossibility of recruiting new volunteers. It is also worth reiterating that the suggested fines, while a very small (perhaps too small) percentage of turnover for premises at the upper end of ST, are life-threatening for halls or volunteer run groups.

2. The responsible person; in volunteer run premises or groups it is unrealistic for a specific named person to be available at all times; community halls are often open 16 hours a day. Cascading that responsibility to hirers is also very complex and burdensome administratively – to each of the groups? Or only to some groups? How

is that done? In a building with multiple activities going on throughout a day in different rooms who even knows who else is or should be on the premises? What if the hiring group's volunteer(s) change at the last minute which they often do as they are volunteers?

Q5.

What unintended consequences, if any, do you think could result from taking forward the revised Standard Tier requirements?

We believe that (despite improvement in the proposals) there is still a real risk that this legislation will decimate the amateur musical scene of the UK, either because too many volunteer run spaces used by music groups close or reduce how often or to whom they hire, and/or because groups' volunteers cannot face having to take on responsibility for dealing with a terrorist attack, cascaded to them via cooperation notices when they hire a space, when all they want to do is to a bit of singing on a Wednesday evening.

The reason we are responding to this consultation, despite the fact we do not ourselves own or run ST premises and nor do our members, is that we have data that show that at least 90% of our members hire ST premises (54% places of worship/church halls, 21% educational establishments, 15% village/community halls) for their regular activity (typically a weekly rehearsal) and often also for their performances (average 3.5 per group per year, average audiences in the 150-200 bracket). The remaining 10% of spaces – a mixture of local authority spaces, arts centres, private clubs, hospitality spaces etc. – are also likely to be ST premises.

There are an estimated 13,500 music groups (DCMS/ACE study Our Creative Talent, 2008) in the UK, with around 780,000 participants, in every constituency, in all four UK nations.

We therefore have good reason to believe that this legislation, whilst doing nothing to improve safety or even the feeling of safety in these kinds of spaces, will have the unintended consequence of damaging the very fabric of self-organised British community life, so crucial to the wellbeing of individuals and localities.

Q7.

Given this cost assessment, how would you think any costs of the Standard Tier should be met?

Please note: we did not want to answer this question as none of the options reflects our view that the cost should be borne neither by premises nor hirers. However, we were forced to choose one by the online questionnaire and so ticked 'Don't know'.

Q8.

Do you think the new approach to training places more or less burden on Standard Tier organisations compared to the previous approach (as outlined in paragraphs 40 and 41)? By "burden", we mean any burden including financial, time, effort or other.

4 □ Less → Go to the information above Q9

Q10.

Do you think the Standard Tier procedures in Martyn's Law place more or less burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? By "burden", we mean any burden including financial, time, effort or other.

3 □ About the same → Go to Q10b

Q10a.

Why do you say that the Standard Tier procedures in Martyn's Law will place more burden on Standard Tier premises compared to procedures for Health & Safety and Fire Safety? Please provide detail below.

We found this question difficult to answer without greater clarity around the concept of responsible person and that of cooperation notices.

To align with H&S and Fire Safety, the ultimate responsibility would lie and remain with the corporate body, whether charity or other entity, volunteer- or professionally run, but they would designate a responsible person to be in charge day to day.

In volunteer-run premises, hired by volunteer-run groups, for H&S and Fire Safety this often means that the contract to the hirer includes terms & conditions including any health and safety assessment and mitigations and fire safety procedures which have to be read and accepted by the hirer. These documents are usually also displayed on, e.g., the hall noticeboard.

If anything untoward were to happen and the hirer had been made aware of but not followed procedures, then they might be liable; but if they had complied with the procedures set out by the hall, then the responsibility would be ultimately on the hall's governing body, e.g. a board of trustees.

If the bill envisages the same kind of scenario for any Martyn's Law requirements, then we believe that will be workable and acceptable to halls and hirers.

Much, however, will also depend on how 'reasonably practicable' will be interpreted in guidance and in practice; 'evacuation' will be something most buildings will already be set up to do, for fire safety; but 'invacuation' could prove a challenging concept in buildings with multiple spaces busy simultaneously with independent keyholding groups, as could internal communication in that scenario. We hope the Home Office team is consulting with relevant bodies on the guidance to make it indeed 'reasonably practicable'.