



House of Commons
Home Affairs Committee

Terrorism (Protection of Premises) draft Bill

Fourth Report of Session 2022–23

Report, together with formal minutes relating to the report

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Contents

Summary	3
Introduction	4
1 Purpose of the Draft Bill	5
Lack of clarity around the purpose of the Draft Bill	5
Previous terrorist attacks	5
Communications about the Draft Terrorism (Protection of Premises) Bill	6
Proportionality and cost	7
The current terrorism threat level across the UK	8
2 Duties and qualifying premises and events	10
Capacity	10
Small and micro businesses and venues	11
Voluntary and community run facilities	12
Outdoor events	13
Duties	14
Training	15
3 The regulator and its enforcement powers	17
The identity of the regulator and its governance	17
Enforcement powers	18
4 Other considerations	21
Mandatory life-saving training	21
Statutory standards for the design of new builds	22
Concerns about the security industry	22
People presenting as experts/consultants on implementing the Draft Bill	24
Risk assessments	24
Guidance	25
Proposed textual changes	25

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Conclusions and recommendations	26
Annex 1	31
Formal minutes	33
Witnesses	34
Published written evidence	35
List of Reports from the Committee during the current Parliament	37

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Summary

The Draft Terrorism (Protection of Premises) Bill aims to place a duty on qualifying public premises or events to take certain steps to deter and minimise the threat and impact of terrorism to the public. The Draft Bill was developed following recommendations made as part of the inquiry into the Manchester Arena attack in 2017, one of which focussed on the introduction of a 'Protect Duty' on those responsible for publicly accessible venues and events, to help reduce the threat to the public from terrorist attacks. In May 2023, the Government invited the Home Affairs Select Committee to conduct pre-legislative scrutiny of the Draft Bill before it is formally introduced in Parliament later this year.

Whilst we welcome the Government's overall intention behind the Draft Bill, we have some serious concerns about the proportionality of the Bill, especially in relation to the impact on smaller businesses, voluntary and community-run organisations in the standard tier premises, where there is a lack of evidence that the Bill will adequately reduce the threat of terrorism for smaller organisations. We also have some concerns about the unfinished provisions in the Draft Bill, the purpose of the Bill, the regulator and some of the duties required. There are a number of other areas in which we feel that the Draft Bill could be improved upon, including introducing a provision for mandatory life-saving training and statutory standards for the design of new buildings.

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Introduction

1. On 2 May 2023, the Minister for Security, the Rt Hon Tom Tugendhat MP, laid the Draft Terrorism (Protection of Premises) Bill before Parliament.¹ The Draft Bill is also known as Martyn’s law, following a campaign to commemorate Martyn Hett, one of 22 people murdered in the Manchester Arena attack in 2017. The Draft Bill aims to place a duty on qualifying public premises or events to take certain steps to reduce the threat of terrorism to the public. Those qualifying premises will either be in the standard duty tier (public premises with a capacity of 100–799) or enhanced duty tier (public premises with a capacity of over 800 individuals). The Draft Bill was developed following recommendations made as part of the inquiry into the Manchester Arena attack, one of which focused on the introduction of a ‘Protect Duty’ on those responsible for publicly accessible venues and events to help reduce the threat to the public from terrorist attacks.

2. We would like to take the opportunity to praise the work of Figen Murray, Martyn Hett’s mother. She has tirelessly campaigned for and promoted Martyn’s Law and supports the Terrorism (Protection of Premises) Draft Bill. We recognise her substantial contribution throughout the development of the Draft Bill. We also pay tribute to the victims and survivors of the Manchester Arena attack and other terrorist attacks.

3. In May 2023, the Minister for Security invited the Home Affairs Select Committee to conduct pre-legislative scrutiny of the Draft Bill. We accepted the invitation and, on the 6th and 20th June 2023 we took oral evidence from a range of stakeholders including representatives from business, local authorities, and the security industry. We also heard from the Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, and the Minister for Security. We received over fifty written evidence submissions from stakeholders including religious organisations, community-focused organisations and the security industry.

4. Our scrutiny of the Draft Bill has been challenging because the Bill lacks some of the detail necessary for us to examine proposed measures thoroughly, especially in relation to the regulator, in respect of which the Bill has not in fact been finished. The Government has yet to publish draft regulations and guidance in full. Given the importance of these extra provisions and guidance, it has not been possible to assess the effectiveness of the Bill fully.

5. **We welcome the Government’s overall intention behind the Draft Terrorism (Protection of Premises) Bill, but have serious concerns about its proportionality, especially in relation to its impact on smaller premises, within the standard tier, where there is a lack of evidence that the risk of terrorist threat justifies the measures proposed or that the Bill will have any effect on reducing terrorist threats. We also have some concerns around the regulator. The whole thrust of the Draft Bill seems to be aimed at bricks and mortar rather than the real target which is a concentration of people or use of buildings by individuals or groups at higher risk of attack.**

6. **We agree with the Regulatory Policy Committee’s (RPC) rating of the Government’s impact assessment of the Draft Bill as “not fit for purpose”. We draw this conclusion as the RPC does, because of the absence of evidence “that the proposal would reduce terrorism for small venues”.**

1 Written statement UIN HCWS751, [Homeland Security Policy Update](#), 2 May 2023.

1 Purpose of the Draft Bill

Lack of clarity around the purpose of the Draft Bill

7. One of the main points made by Jonathan Hall KC, the Independent Reviewer of Terrorism Legislation, was that there is a lack of clarity about the overall purpose of the Draft Bill. In his Note on the Draft Bill, he argues that “understanding purpose is necessary to understanding effectiveness”.² In oral evidence, he told us:

The public might think after the Manchester Arena attack, that the real purpose of this sort of Bill is to prevent terror attacks. On analysis, I think this Bill [...] is really about dealing with the aftermath of attacks, in which case it is very different indeed. If, on the one hand, it is about prevention, I think it is necessary to be clear with the public about what this sort of legislation might be requiring.³

8. Assistant Commissioner for Specialist Operations at the Metropolitan Police, Matt Jukes agreed that greater clarity in drafting and communication about the Bill’s purpose would be welcomed, if they could be achieved.⁴

9. The Government’s explanatory notes for the Draft Bill state that the Bill will build upon two of the four pillars of the Government’s Counter-Terrorism Strategy (CONTEST).⁵ Those pillars are Protect (to strengthen our protection against a terrorist attack) and Prepare (to mitigate the impact of a terrorist attack).⁶ However, when we asked the Minister for Security about the purpose of the Draft Bill, he said, “this is really about prevention”.⁷ Most of the Bill’s provisions in fact appear to address consequences rather than prevention, albeit that because we have not seen the draft regulations and guidance that will provide a full picture of the likely impact of the Bill, it is not clear what the overall balance between the two will be.

10. The overall objective of the Draft Bill remains opaque. We agree with the Independent Reviewer of Terrorism Legislation that the overall purpose of the Bill must be made clear, especially to those venues/premises that will be captured by the duties in the Bill. The rhetoric around the Draft Bill appears to suggest that the Bill is more about prevention. However, our analysis of the Draft Bill suggests it is about the consequences of a terrorist attack. *The Draft Terrorism (Protection of Premises) Bill, the explanatory notes to the Bill and all guidance related to the Bill must clearly, and consistently, set out what the purpose of the Bill is.*

Previous terrorist attacks

11. We asked Jonathan Hall KC what effect the Draft Bill would have had on previous terrorist attacks. In relation to terrorist attacks in the 1990s, he said:

2 Independent Reviewer of Terrorism Legislation, [Note on the draft Terrorism \(Protection of Premises\) Bill](#), 16 June 2023.

3 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q54](#).

4 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q76](#).

5 Pursue and Prevent being the other pillars of CONTEST.

6 Terrorism (Protection of Premises) Bill: [Explanatory notes](#), Bill CP 840-EN, p3.

7 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q105](#).

In the 1990s, it was basically all IRA – bombs and mortar attacks. Most attacks in the 1990s are outside scope of the Bill. They are not near or in the immediate vicinity of premises; they are on Crown property, which I think is exempt, or transport stations. It is impossible to conclude that any difference would have been made by the Bill.⁸

He continued:

In the 2000s, there were six terrorist attacks—six bombings—and one vehicle attack. All but one were out of scope. The only one that was potentially in scope was an IRA bomb outside the BBC TV centre. Again, it is impossible to conclude the Bill would have made a difference.⁹

12. When discussing more recent terrorist attacks, he said:

In the 2010s, there were 14 attacks. A lot involved knives, so we see knives coming in for the first time. There were also vehicle attacks, bombs and one firearm. The majority are out of scope, so again, they are on the streets, they are on Crown premises, like barracks, or they are transport.¹⁰

13. We are concerned to learn that the Draft Bill would not have made a difference to the vast majority of the terrorist attacks that have happened in the UK in recent years. This suggests that the Draft Bill will not achieve some of its main objectives. If the Bill is to proceed, the Government must consider what changes could be made to the Draft Bill that would have made it effective should it have existed at the time of recent terrorist attacks.

Communications about the Draft Terrorism (Protection of Premises) Bill

14. As well as the need for better communications around the purpose of the Draft Bill, concern was expressed about the lack of awareness some venues/premises captured by the duties may have about the Bill, especially smaller organisations. Cllr Clive Woodbridge from the Local Government Association told us:

At the moment, the duties imposed by the legislation could be rolled out as early as 2025. That is not a very long time, so the Committee may want to consider the lead-in time, a dedicated communications campaign to raise awareness of the duty, and what that awareness campaign might look like.¹¹

15. In order for venues/premises captured by the Draft Bill to prepare for the requirements that will be imposed on them through the Draft Bill, the Home Office must undertake a targeted communications campaign to raise awareness of the Draft Bill as soon as possible. This campaign should set out what the main duties are for standard and enhanced premises, what organisations will be captured by the duties and what they are expected to do as a result.

8 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q57](#).

9 As above.

10 As above.

11 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q29](#).

Proportionality and cost

16. The Home Office’s impact assessment on the Draft Terrorism (Protection of Premises) Bill estimates the cost of the proposals to be between £1.1 billion and £6.3 billion, with a central estimate of £2.7 billion.¹² It also estimates the cost of implementing these proposals for standard tier premises to be £2,160 over a ten-year period and the cost per enhanced premises to be £82,325 over ten years.¹³

17. Most witnesses agreed that proportionality is key to ensuring this legislation works well and is not too burdensome on those organisations captured by the duties. However, concerns were raised about the proportionality of the costs, especially in relation to small and medium-sized businesses. Concerns were also raised about the calculations used by the Government to determine the cost to standard and enhanced premises, and the possibility of knock-on costs to premises as a result of inspectors recommending adaptations to premises to de-risk the terrorist threat, which could become disproportionate if some premises, such as village halls, were required to have specific facilities, e.g., safe rooms.

18. Neil Sharpley from the Federation of Small Businesses told us that the “potential costs are greater than anticipated”¹⁴ and that “there is a real danger that costs will escalate”.¹⁵ He said:

[The costs] will vary from business to business, but because of the enormous numbers of micro, small and medium-sized businesses involved, a significant number will experience significant costs. You have probably seen the estimate in terms of the enhanced duties – about £80,000 over 10 years. I think that is conservative based on the figures that I have from the Northern Ireland member who provided the security in Belfast.¹⁶

19. He later added:

It is very difficult to obtain information in relation to costs where you are talking about unknown criteria and where, as has already been observed, the nature of the small business community and the medium-sized business community is so varied in terms of numbers of employees, types of premises and the way in which they operate that it is extraordinarily difficult to draw any clear conclusions about cost.¹⁷

Mike Kill from the Night Time Industries Association, which represents several sectors including festivals, clubs, bars and restaurants, also reiterated fears over cost. He told us:

[...] we still feel that £2,000 for a lower-stated standard Protect duty venue against an 800-cap enhance is hugely understated. When you talk about venues or spaces with such a high turnover, budgetary-wise everything will

12 Home Office, [Impact Assessment: Terrorism \(Protection of Premises\) Bill](#), 2 May 2023.

13 As above.

14 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q22](#).

15 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q28](#).

16 As above.

17 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q17](#).

be front-loaded. You will see 40% or 50% of your cost at the outset, then the maintenance will be quite high because of the training mechanisms of turning over.¹⁸

When we asked Cllr Woodbridge how much the proposed measures would cost local authorities, he said:

It is very hard to put a cost on it. If nothing else, we do not know how many of our own properties and sites will be brought within scope. [...] One issue that perhaps has to be looked at is where local government owns sites but lease them out on a short-term or long-term basis to others. It is not clear yet who would take responsibility. The financial burden on local government would be quite significant, and it certainly would need to be covered by new burdens funding.¹⁹

20. We were unclear from the response from the Minister for Security about how the Government had calculated the estimated cost to qualifying premises and what the expectation was in relation to what would be free (e.g. he indicated terrorism training would be free of charge via a Government website) and what it would cost those premises.

21. **The cost on standard and enhanced tier premises of implementing these proposals, estimated by the Government, is disproportionate to the level of threat, particularly for those small and medium-sized premises captured in the standard tier. In addition, the basis for the Government's estimates is unclear, and they may well turn out to be underestimates. Given the potentially serious consequences, this is a significant concern. The Home Office should publish the criteria used to calculate the estimated cost to qualifying premises to help premises and Parliament understand how those figures were arrived at.**

The current terrorism threat level across the UK

22. The Draft Terrorism (Protection of Premises) Bill will apply to all parts of the United Kingdom. However, the threat of terrorism and the types of terrorist activity that occurs in each part of the UK is different. For example, Jonathan Hall KC explained that the threat of terrorism in Northern Ireland is “very different indeed”. He said:

The threat of terrorism attacks can be divided into two. There are what they call national security terrorism attacks for attacks on Crown forces, as we would call them. So it could be prison officers, but most likely police officers. It could be M15, if they ever got their hands on them – that sort of thing. Then you have paramilitary groups who do punishment beatings—knee-cappings of drug dealers—often under the badge of their terrorist logo, but they are not considered national security attacks because they are more general criminality. It is hard to see that the threat picture that is the animating force of the Bill in Great Britain can possibly have any validity in Northern Ireland. There are not marauding knife attacks; there are not

18 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q50](#).

19 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q31](#).

people walking and carrying out suicide bombings in Northern Ireland. The idea of imposing a duty on premises in Northern Ireland just seems to miss the boat completely.²⁰

23. In relation to Scotland, he added:

[...] I cannot think of any terrorist attacks within the scope of the Bill at all - of course, the Glasgow Airport attack was outside scope.²¹

24. In his Note on the Bill, he added that he was “not aware of any attacks in Scotland within the scope of the Bill in the last 40 years [...] Nor am I aware of any terrorist attacks in Wales”.²² That does not, of course, imply that no such attack might happen in future.

25. Similarly, Matt Jukes told us that the threat level we face currently is “dispersed”. However, he also went on to explain:

It is principally driven by those who might act in ways that are of lower sophistication, who might use knives or vehicles as weapons and whose targets are no longer exclusively great places of state or people of state, although, tragically, of course, we have seen both.²³

26. The Minister for Security told us that there has been engagement with the devolved Administrations throughout the drafting of the Bill and that there has been “good co-operation”.²⁴ We were told that the Northern Ireland and Scottish Governments “regularly attend” counter terrorism meetings and have “been involved in specific protect and prepare meetings on this legislation”.²⁵

27. The threat of terrorism and the types of terrorist attacks across the United Kingdom vary widely. The fact that attacks that have happened in parts of the UK, such as Scotland, would not fall in scope of the Draft Bill is a concern to us. We are not convinced that the Draft Bill takes into account the varying types of terror threats posed to each part of the United Kingdom.

20 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q63](#).

21 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q64](#).

22 Independent Reviewer of Terrorism Legislation, [Note on the draft Terrorism \(Protection of Premises\) Bill](#), 16 June 2023.

23 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q75](#).

24 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q152](#).

25 As above.

2 Duties and qualifying premises and events

28. The Draft Bill sets out several duties for qualifying public premises and events. It provides that a person responsible for qualifying public premises or qualifying events would be subject to specific terrorism protection requirements. Those requirements include providing staff with terrorism protection training, conducting risk assessments and giving consideration to measures that would help reduce the risk of terrorism, depending on the nature and size of the venue. Concerns were raised in written and oral evidence about some of these duties, as well as the capacity figures used to determine the size of the qualifying public venues and premises. The impact of these duties on community and voluntary groups was a particular concern for many.

29. Certain premises are excluded from the scope of the Bill, including those with a capacity of fewer than 100 people, those not open to the public, and any premises whose use is not captured by the list set out in Schedule 1. It is unclear what the rationale is for these exclusions. Certain venues with a capacity of fewer than 100 may be more at risk of attack, and better able to resource the cost of protective measures, than larger venues; why should a village hall have to comply, but not a restaurant? Offices and factories may also be at risk of attack. It is unclear why specific premises such as car parks are excluded whereas the shopping centres next to them are included. And it is unclear why, for example, a residential home may be excluded but a nursing home may be included. There may be good reasons for determining precisely which premises should and should not comply, but they are not obvious.

Capacity

30. The Draft Bill will regulate all relevant premises with a capacity of 100 or more people and would apply more onerous regulations to those relevant premises with a capacity of 800 or more. Evidence submitted to this inquiry raised concerns about why these figures were chosen, how capacity is determined and whether capacity is the best way of determining risk. Cllr Clive Woodbridge told us:

First of all, how are you determining capacity? If you have your village hall, if you set the seats out in a certain way, you might be able to get 200 people in there, but the reality is perhaps it never hosts more than 50, so should it come within the scope of the legislation or not? [...] Also, is capacity a rather blunt instrument in terms of determining what is at risk and what is not at risk? You could have a very small facility, perhaps a venue that hosts particular groups that might attract controversy and that might be more at risk than a larger one. We do have some concerns about capacity as a measure for falling within the scope and how that is determined. We have definite concerns about the impact on the community, on voluntary and faith sectors and on trustees of buildings like village halls.²⁶

He went on to say, “perhaps something more nuanced is needed” and that further discussion with the Home Office would be welcomed, especially in

terms of “how we balance risk and reward by concentrating effort on those areas where there would be a higher risk, rather than those that purely have a higher capacity”.²⁷

31. Neil Sharpley from the Federation of Small Businesses told us:

It is also essential that the Bill provides the flexibility—which it doesn’t in some respects—to determine, for instance, that premises that might come within the capacity criteria but have negligible or very low risk can be removed from the scope of the Bill if that proves necessary, so that we get a fair, reasonable and proportional approach to the whole problem.²⁸

32. Mark Gardner from the Community Security Trust recognised that “any legislation is going to have to set arbitrary levels”.²⁹ However he went on to say:

I understand why it says 100 and 800, but the threat does not depend on the size of the premises. The threat depends partly on the nature of the premises, but also on who is entering the premises. Take for example the tragic murder of Jo Cox MP: the attack occurred outside a library, but the threat to the library every day of the week was not the same as the threat on the day that Jo Cox was going to hold a constituency meeting there, and the attacker carried out a lot of hostile reconnaissance prior to the attack, as did the attacker in Manchester. The murder of David Amess occurred in a Methodist hall, but it was not an attack against the Methodist hall; it was an attack against him.³⁰

Small and micro businesses and venues

33. One of the two reasons for the Regulatory Policy Committee’s “not fit for purpose” rating related to concerns about how the Draft Bill would impact small and micro businesses (SaMBA).³¹ The RPC raised concerns about the burden of the cost to small and micro businesses, noting that the costs to small or micro businesses in the enhanced tier are only slightly lower than for large businesses. It stated that this is disproportionate.

34. When we asked witnesses about the RPC’s rating in relation to small and micro businesses, we were told that “more research is needed to identify the threat to smaller business”.³² Neil Sharpley argued:

I would say the way in which this legislation should, in our view, be implemented is in stages. First of all, there should be the enhanced duty implementation, so that any teething problems that exist in relation to those duties can be ironed out before the standard duty, which affects many smaller businesses, comes into play. There needs to be research and a review, after a satisfactory period of time, of how the measures have bedded in and whether or not they are all as effective as anticipated.³³

27 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q29](#).

28 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q29](#).

29 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q36](#).

30 As above.

31 Regulatory Police Committee, [Impact assessment: Martyn’s law](#), 15 March 2023.

32 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q30](#).

33 As above.

35. He continued:

If it is done in a studied way like that—in a measured way, in a way that causes the least damage to the smaller businesses because of the bedding in and implementation at the higher level—I think that with the appropriate guidance and support of a regulator who uses carrots rather than sticks, we will get to the goal that we want to achieve.³⁴

Voluntary and community run facilities

36. As Mark Gardner from the Community Security Trust told us, “volunteers are absolutely critical to running places of worship” and some community-run organisations. We received a large volume of written evidence expressing concern about the impact these duties and capacity figures could have on voluntary and community-run organisation, with some arguing that the duties required in the Bill could lead to the closure of some organisations. In written evidence to the Committee, Amersham Concert Club stated:

In 2021, we made a submission in response to the consultation on the proposed Protect Duty, expressing concern that the requirements likely to be imposed on small community venues hosting events run by local groups could well lead to their closure, thus depriving towns and villages of places to hold events. Such venues are predominantly run by volunteers and they would be unwilling or unable to comply with the burdens imposed by a Protect Duty.³⁵

37. It continued:

Having now studied the Draft Bill and the Explanatory Notes, we remain of the view that the administrative and organisational burdens on smaller venues will have a detrimental effect on smaller community venues that are predominantly run by volunteers and which offer their premises to local organisations for community activities. Such venues may well conclude that it is no longer worth continuing to offer their premises to community organisations.³⁶

38. When we questioned the Minister for Security on the capacity figures in the Draft Bill and what previous terrorist attacks the legislation would cover, he referred to some of the attacks that had been made on MPs in their constituencies as examples of why it was necessary to regulate premises with a capacity of 100 or more.³⁷ This included the tragic murder of Sir David Amess in 2021. We were not persuaded by this argument. The Independent Reviewer of Terrorism Legislation reaffirmed this by saying that the murder of David Amess “was a targeted attack, and I do not think the Bill would have made a difference”.³⁸

39. The Government has not provided a rationale or any evidence for why capacity figures of 100 and 800 for standard and enhanced tier premises have been chosen, and

34 As above.

35 Amersham Concert Club [TER0017](#).

36 As above.

37 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q110-122](#).

38 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q57](#).

why certain types of premises are excluded entirely. We wholly agree that larger venues—such as Manchester Arena—should be required to undertake the sort of measures set out in the Draft Bill. However, we are concerned that the capacity figure of 100 for standard tier premises, which will capture some small and micro-sized businesses, and community-run and voluntary groups, could be disproportionate and burdensome. This category is particularly troubling because it would include many smaller venues that may not have sufficient resources to cover costs of what is proposed. It would also cover village halls, places of worship and similar amenities that provide vital community support, often on low budgets. If such places are forced to close down, this represents a win for terrorism, rather than an effective means of combatting it.

40. *We agree with the Local Government Association that the Terrorism (Protection of Premises) Bill should be implemented in stages, starting with enhanced tier premises.*

41. *A review should be conducted yearly and every time there is a terrorist attack to assess how well the legislation has worked in protecting against, preparing for and dealing with the attack. Research should also be undertaken on the threat of terrorism to small and micro-sized businesses. Should that research suggest there is sufficient benefit of extending the legislation to standard tier premises, then provision should be made to introduce the duties to those premises at the earliest opportunity.*

42. *The Government should consider what financial assistance may be necessary to support small and micro-businesses whose premises fall within the enhanced tier before introducing the Draft Bill to Parliament.*

Outdoor events

43. The Draft Bill covers nearly all types of premises to which the public has access (covered in Schedule 1). However, it is not clear which premises are excluded and why. One area that appears to be excluded from the Draft Bill is open-air events such as Christmas markets, farmers markets and events that do not require express permission to attend but could be regular outdoor events attracting large crowds. It would appear possible to include such premises and events in scope of the Bill either as an extension of, or in parallel with, licensing requirements, as Figen Murray has suggested. Witnesses raised concern about them not being included within the scope of the Draft Bill. Nick Aldworth from Risk to Resolution told us:

We believe that the law could be improved by finding a mechanism through which some events can be included. Currently, ostensibly outdoor, unboundaried events through which members of the public can pass without payment or ticketing will not be covered by the legislation. To put some colour on that, Christmas markets jump to mind. My sense is that that is a gap that would benefit from being filled because we have seen those sorts of events being attacked around the world. When we reflect on 2017, almost all those events took place in public spaces that would probably not be protected by the Bill.³⁹

44. When we questioned the Minister for Security on this, Shaun Hipgrave, Director of Homeland Security Group at the Home Office, told us:

39 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q4](#).

It depends on what type of Christmas market. If there is a boundary and express permission to enter, either through payment or by capacity, it would be within the legislation. If it is open-air, like in a normal village or town, it would not.⁴⁰

45. We note that terrorist attacks in recent years have included attacks on outdoor events, such as the terrorist attack in Berlin in 2016. On that occasion a terrorist hijacked and drove a truck into a Christmas market at Breitscheidplatz killing twelve people and injuring many others.

46. All publicly accessible outdoor events are a prime target for terrorists, whether or not express permission is needed to enter. The Government should consider expanding the scope of the Draft Bill to include those outdoor events with a capacity of over 800 and where express permission and payment is not required to enter.

Duties

47. In principle, and provided that the correct premises are identified in a proportionate manner, the Committee agrees that the type of measures set out in the Bill are the right ones. However, the Committee is unable to determine whether the measures are likely to be either sufficient or proportionate given the lack of detail in the Draft Bill, and the lack of draft regulations or guidance to accompany it.

48. The evidence we have received identified concern that the person responsible for undertaking these duties will not always be obvious or correctly identified by these provisions. For example, in some circumstances the owner of a building may have limited control over the activities within it. The Bill does include provision to address this by allowing the person deemed responsible under the Bill to issue a “cooperation notice”, requiring another person to take relevant steps; but there are significant risks that this would not result in the right people taking responsibility, and in fact would be open to abuse, as well as being objectionable on other grounds, as the Independent Reviewer identified.

49. It is also unclear how the duties under the Bill would interact with other duties that premises may already be under to take counter-terrorism measures. For example, evidence submitted by LIVE identified licensing provisions that appeared to cover similar ground, and queried whether there was a need to impose additional duties on licensed premises, or at least why existing licensing provisions could not simply be extended.⁴¹ There are also other existing laws and sets of guidance regarding health and safety of employees and other users of premises. The Government has not explained how these existing measures, and existing practices such as targeted involvement by the police, will work effectively alongside the new measures in the Bill. We are concerned that there is scope for unnecessary duplication and confusion between existing provisions and practices and the proposals in the Bill.

40 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q134](#).

41 LIVE (Live Music Industry Venues and Entertainment) [TER0007](#).

50. We also consider that some of the duties in the Draft Bill may be disproportionate, especially for smaller premises. We are also concerned that some measures may just become a “tick-box exercise”. One duty we are concerned about is the requirement regarding training.

Training

51. Both standard duty premises and enhanced duty premises will be required to ensure that relevant workers undertake terrorism protection training. Clause 13 of the Draft Bill provides that the person responsible for qualifying premises or event must ensure that the relevant workers have been provided with terrorism protection training in relation to the premises they are working. We understand that the responsible person could include a chair or trustee of a charity or village hall. The provision regarding training may make it difficult for them to enforce the role out of training and could deter many from taking on the post. A “relevant worker” is someone who “works at, or in connection with, the premises or event and who has responsibilities that make terrorism protection training appropriate”, including volunteers.⁴² Clause 14 of the Draft Bill sets out the content of the terrorism protection training. However, there are no provisions setting or monitoring the standard of any training. Concern was expressed in evidence before us that the market could be flooded with providers of substandard training.

52. Both oral and written evidence raised concerns about the requirement for training set out in the Draft Bill. The Churches’ Legislation and Advisory Service and Cytun argued that the provision of training is “unlikely to be as straightforward in volunteer-run premises, such as a church, as in premises where most workers are paid staff”.⁴³ It continued:

For example, a volunteer may fail to appear due to a family commitment and someone else may step in at the last minute. Read literally, the Bill appears to make such last-minute volunteering by an untrained person an offence. This seems unduly onerous – and in the case of churches, could mean the last-minute cancellation of events on the basis of a minimal risk of terrorism in order to avoid committing a technical offence.⁴⁴

53. Similarly, Mike Kill raised concerns about the roll-out of training, especially in relation to staff turnover in the hospitality sector. He stated:

[...] If we look at hospitality training, even on a digital base, and getting people, particularly with the higher turnover of staff we represent—not only in Scotland but in Wales, England and Northern Ireland—and how we will effectively manage that is a huge concern.⁴⁵

54. He also told us that “the expertise in counter-terror at the enhanced level will be stretched, without a doubt”.⁴⁶ He acknowledged the lack of counter-terrorism experts and training and questioned whether it is realistic to roll out such training in what could be a short period of time before the legislation is passed.

42 Terrorism (Protection of Premises) Bill: [Explanatory notes](#), Bill CP 840-EN, p11–12.

43 Churches’ Legislation and Advisory Service and Cytun [TER0020](#).

44 As above.

45 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q49](#).

46 As above.

55. We are concerned that the provisions in the Draft Bill relating to training have not been thought through. We were particularly concerned that when we questioned the Minister for Security about those provisions he seemed unaware that all standard duty premises would be under a legal obligation to provide training to anyone who works at those premises, including volunteers and part-time workers.⁴⁷ The Minister also appeared to have a different understanding of what training was required compared to others, stating:

Sorry, forgive me, there may be a different understanding of what is meant by training. My view is training requires some sort of hands-on action like first aid training or something like this. This is e-learning. This is somebody sitting in front of a computer.⁴⁸

56. The training duties required in the Draft Bill could be seen as potentially onerous provisions, especially for premises hosting a number of different voluntary groups.

57. **In principle, we agree with the scope of the requirements set out in the Bill for qualifying public premises and qualifying public events, including the provision of terrorism protection training. However, those duties must co-exist effectively with existing duties and practices, and must be the responsibility of the right people. The precise details of those duties must also be meaningful as well as practicable. In particular, any training that is provided needs to be of a prescribed standard; otherwise, there is an obvious danger that organisations will provide something of limited or no value. The Government should also give further consideration to how voluntary run organisations might be impacted by the requirement to provide training and work with the sector to find a more suitable alternative to the current system of training outlined in the Draft Bill.**

47 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q138–151](#).

48 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q169](#).

3 The regulator and its enforcement powers

58. The Draft Bill provides for a new regulator which will have powers of inspection and enforcement, and unless otherwise specified in regulations by the Home Secretary, will be the Home Secretary.⁴⁹ A regulator specified in regulations must be a public authority, meaning “any person certain of whose functions are functions of a public nature”.⁵⁰ We repeatedly heard concerns about the regulator; namely the identity of the regulator, its governance and enforcement powers.

59. The Government intends to amend the Bill at a later stage to make substantive provisions for the new regulator. It has not yet taken a view on who the regulator should be.

The identity of the regulator and its governance

60. Nick Aldworth told us that the “the regulator is absolutely critical to the success and intent of the Bill”.⁵¹ We agree. However, we are concerned that there are currently no provisions in the Draft Bill setting out who the regulator will be, whether it will be independent or not, how it will operate, and how it will be held to account. This has created a sense of unease and confusion for many organisations potentially captured by the Draft Bill. Nick Aldworth urged for “greater clarity and function around the regulator” to rectify this, and this was echoed by several other witnesses.⁵²

61. In terms of who the regulator should be, Nick Aldworth said:

There are people it could be and there are people that it definitely shouldn't be. For me, it is someone who can improve and who has the ability to work, particularly with small businesses, and talk about what proportionality really looks like.⁵³

62. We heard that “consistent support from the regulator” to premises captured by the duties in the Draft Bill would be vital.⁵⁴ The explanatory notes to the Draft Bill state that the Government “foresee the regulator primarily providing a guidance function for businesses” and being able to impose penalties in the event of non-compliance.⁵⁵ Support to businesses from the regulator will be essential, especially in the immediate months after the Bill receives royal assent.

63. Cllr Woodbridge raised concerns about not knowing where the regulatory function would sit, stating:

49 Clause 1, [Terrorism \(Protection of Premises\) Draft Bill](#), CP 840, May 2023.

50 Clause 1: Subsection 3, [Terrorism \(Protection of Premises\) Bill](#), CP 840 2023.

51 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q4](#).

52 As above.

53 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q4](#).

54 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q37](#).

55 Terrorism (Protection of Premises) Bill: [Explanatory notes](#), Bill CP 840-EN, p6.

Were they to rest wholly or in part with local authorities, obviously there would be significant implications, which again would involve resourcing and capacity work “.⁵⁶

64. We note that one of the reasons for the RPC’s “not fit for purpose” rating is that the impact assessment does not provide evidence “that a new regulator with national inspectors would be efficient compared with local compliance”.⁵⁷

65. When we asked for more detail from the Minister for Security about the regulator, we were told that more detail about the regulator would be brought forward during the passage of the Bill.⁵⁸ However, given the anxiety many premises are having about the regulator, we urge the Home Office to issue more information about the regulator before the Bill in the next two months.

66. The regulator will be a key factor in determining the success of the Draft Bill’s measures. It will have extensive powers and oversee a regulatory framework estimated to cost billions of pounds. However, the Draft Bill is currently incomplete on the identity of the regulator, its governance, and its accountability. There are no provisions setting out who the regulator will be, whether it will be independent or not, how it operates and how it should be accountable. It appears to be the Government’s intention that the Draft Bill will be developed on this point once it has considered the outcome of the pre-legislative scrutiny process. However, that is misunderstanding the nature of such scrutiny; it is not for select committees to help initiate legislative provisions, particularly of such a fundamental nature, but rather to comment on draft provisions produced by Government. *The Government should develop concrete proposals on the regulator within the next two months and amend the Draft Bill before introducing the Bill to the House.*

Enforcement powers

67. In the event of non-compliance with the provisions set out in the Draft Bill, the regulator will have a range of powers to address non-compliance and to impose penalties where appropriate. Those powers include imposing sanctions and being equipped with a set of investigatory powers. In some circumstances, the regulator would have powers to issue contravention and restriction notices on premises, which could have the effect of events being cancelled and organisations being forced to shut down.

68. In some of the written evidence we received, concerns were raised about the enforcement powers of the regulator. The Evangelical Alliance argued that the regulatory functions of the regulator are “inappropriate and ineffective”.⁵⁹ It continued:

Inappropriate because the government would have the powers to sanction, close premises, gather data, investigate and inspect Christian and other faith-based premises without a warrant. For the state to have powers of this

56 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q16](#).

57 Regulatory Police Committee, [Impact assessment: Martyn’s law](#), 15 March 2023.

58 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q173](#).

59 Evangelical Alliance [TER0030](#).

magnitude, the government would need to inset clauses specific on right of appeal and redress for religious organisations that believed there has been a miscarriage of justice.⁶⁰

69. However, when we asked witnesses in oral evidence about the enforcement powers of the regulator, some did not appear to be concerned. Matt Jukes told us:

[...] I do not think that any of us who are involved—including those inspirational campaigners—intend to see this as a mechanism to punish businesses. I was hopeful when I read some of the outline of how the regulator might operate that we will see things like intervention, support, guidance, improvement notices. That is why I am pleased that we move away from the idea that that would be a law enforcement body like policing in the regulatory role and that it would, rather, be some organisation much better suited to carrying out that tiered intervention, which is principally about improvement.⁶¹

Similarly, Shaun Kennedy said:

From my perspective, again this is not about seeing people punished or seeing recourse to any of the smaller businesses or even the larger businesses. I had a little concern over the 5%. There was a notion that 5% of the assessments would be scrutinised or audited. The industry would like to see a larger percentage initially, just to have that dip test and that good feel, because that will lead to evolution and stronger confidence. The introduction of a mandate needs to see a stronger presence at the start and a stronger audit and governance process to drive the message and improve the standards that we are trying to raise.⁶²

70. The regulator will be equipped with a set of inspection powers which will ensure that investigations into compliance at qualifying public events and premises can take place. Whilst we did not receive a substantial amount of evidence on the investigatory powers of the regulator, we are concerned that the tests for using these powers are broad. For example, the inspection powers can be exercised simply if the regulator reasonably believes they are “necessary for the purpose of a terrorism investigation”.⁶³ No standard of proof is required or no evidential threshold that a contravention or offence might have occurred. This leaves considerable discretion to the regulator. There is also no provision allowing for appeal or other reconsideration of these decisions, so it is likely the only route of challenge would be judicial review which would be impracticable for many. In addition, the threshold for issuing contravention and restriction notices is low: requiring only that the regulator has “reasonable grounds to believe” that a contravention has occurred; a lower test than being satisfied on the balance of probabilities (as is the case for penalty notices). There appears no justification for this lower test, especially given the potentially serious consequences of such notices. Finally, the maximum penalties that can be imposed are substantial (£10,000 for standard tier premises and £18 million or more for enhanced tier premises), and yet there is no requirement for the regulator to take into account the ability to pay in determining the amount in any given case.

60 As above.

61 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q102](#).

62 As above.

63 Terrorism (Protection of Premises) Bill: [Explanatory notes](#), Bill CP 840-EN, p20.

71. The regulator will have the power to issue contravention and restriction notices on premises, which may have serious consequences. This may well be justified in certain circumstances given the risks involved. However, it is important that the standard of proof required before using such notices is proportionate to the severity of the non-compliance.

72. The regulator's investigatory and enforcement powers are potentially extensive and intrusive. The provision of these powers may be necessary, but they must be used in a proportionate manner. *The Government should review the operation of the investigatory and enforcement powers and ensure the thresholds for using them, and the manner in which they may be used, are justified accordingly.*

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4 Other considerations

73. Throughout written and oral evidence, witnesses offered several suggestions for how the Draft Bill could be improved. Below we focus on the suggestions we believe the Home Office should consider incorporating into the Draft Bill. We also raise some concerns around the roll out of the Draft Bill.

Mandatory life-saving training

74. First responder intervention after a terrorist attack is crucial in ensuring as many lives are saved as possible. The way in which that intervention is provided to those injured by the attack can be the difference between life and death. Figen Murray told us that she would like to see a provision on mandatory life-saving training for standard duty premises included in the Draft Bill.⁶⁴ She explained that it was not until after the Manchester Arena attack that she realised how quickly someone can bleed to death and emphasised that security officers at the scene of the incident could play a vital role in stopping this.

75. We are aware that the inquiry into the Manchester Arena attack found that some victims bled to death while waiting for medical attention. The Manchester Arena Inquiry: Emergency Response report argued that there is a “need to ensure that as many members of the public as possible have the skills needed to provide first responder interventions so that if they wish to provide life-saving assistance they can”.⁶⁵ Whilst it was recognised that there is “much work” currently being undertaken to achieve this, it maintained that more can be done. It recommended that the Home Office consider “a public education programme and the introduction of a requirement into law ... that employers have a duty to train all employees, or certain categories of employees, in first responder interventions”.⁶⁶

76. Written evidence from Rapaid Emergency Bandages also asked the Committee to consider recommending that the Draft Bill include a provision in relation to making it a mandatory requirement for events and venues to have bandage kits on site which are designed “with ease of use in mind to ensure that anyone can use them with no medical training”.⁶⁷

77. The way in which first responders intervene after a terrorist attack could be the difference between life and death. Those working at the venues or premises captured by the Draft Bill will most likely be the ones who are able to help provide immediate medical assistance. The Draft Terrorism (Protection of Premises) Bill provides an opportunity for the Government to ensure that large-scale venues and public premises roll out appropriate medical training to staff, including security officers, on how to respond to casualties after a terrorist attack has taken place. *The Home Office should include a provision in the Draft Bill to provide mandatory life-saving training to staff to the premises captured by the Bill. The Home Office should also consider providing for mandatory bandage kits on those premises.*

64 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q3](#).

65 Manchester Arena Inquiry, [Manchester Arena Inquiry Volume 2: Emergency Response](#), November 2022.

66 As above.

67 Rapaid Emergency Bandages [TER0046](#).

Statutory standards for the design of new builds

78. In both written and oral evidence, some witnesses argued that the Draft Bill could be strengthened by making it a requirement for new buildings which will be publicly accessible to consider security in the design of the building. Nick Aldworth told us:

We have known for a long time that the most effective and cost-effective way of protecting somewhere is if you build it in at the start, rather than fit it retrospectively.⁶⁸

Similarly, the Register of Security Engineers and Specialists argued that “designing-out security risks at the design stage results in a reduction in the residual risks that must be managed in the operation of the venue”.⁶⁹ It also noted that “designing out security risks at the design stage saves cost in operational expenditure, and in so doing reduces the total life cycle cost (capital and operational expenditure)”.⁷⁰

79. Whilst we note that there are some gateways already in existence for ensuring that security is considered in the design of publicly accessible locations, namely in the planning process, we believe a requirement in the Draft Bill that ensures new builds would be captured by the enhanced premises duty would provide a necessary safeguard in reducing the impact of a terrorist attack.

80. **We agree that the Draft Terrorism Bill could be strengthened by making it a requirement for publicly accessible new builds to consider security in the design of the building. The Government should include provision in the Bill to require new publicly accessible buildings, which would fall within the category of enhanced tier premises, to consider security in the design of the building.**

Concerns about the security industry

81. The role of security at publicly accessible venues and premises in preventing and responding to terrorist attacks is paramount. We are aware that one of the criticisms of the response to the Manchester Arena attack focused on the actions of security officers at the venue. We were concerned to hear that there were serious gaps in the security industry that need addressing in order for its handling of terrorist attacks to be improved.

82. Shaun Kennedy from the British Security Industry Association told us that there were a number of issues in relation to the education and procurement of security officers at public venues. He told us, “there is a common assumption that a security guard is trained in counter-terrorism initially, and they are not”.⁷¹ He said that security guards are “trained on the basics” and that the “UK security industry has one of the lowest entry thresholds in Europe for training”.⁷² He continued:

68 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q4](#).

69 Register of Security Engineers and Specialists (RSES) [TER0001](#).

70 As above.

71 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q86](#).

72 As above.

The training that we provide to stewards and guards in the UK is relatively poor. The Security Industry Authority in the UK are working with the industry to try and improve that, of course, as is the BSIA, but it will take time, and it will not be mandated, whereas the Bill encourages action.⁷³

83. He argued that there should be a standard on training for security officers at publicly accessible venues. He pointed to the good standards of training in other countries such as the Netherlands and Belgium and told us that the UK should be looking to deliver something similar.

84. In relation to procurement, he said that:

[...] It is the procurement behaviour around the economics – typically buying the cheapest and paying the cheapest. That is terrible in the UK. Having expertise across Europe, I can certainly see a negative comparison in the UK.⁷⁴

85. When we questioned the Minister for Security on this, he confirmed that the Draft Bill “does not address the security industry”.⁷⁵ In relation to the criticism made about the actions of security at the Manchester Arena Attack inquiry, he said:

That criticism that was made in the inquiry is something we are looking at separately. This is not designed to look at the security industry. That is a matter that we are discussing with the Security Industry Authority, the SIA, and that is a different question.⁷⁶

86. We are gravely concerned to hear that the UK security industry has one of the lowest entry thresholds in Europe for training. This is simply unacceptable. If the Government is serious about protecting the public from terrorist attacks, improving the training of those working in the security industry seems like an obvious step. *Independently of the Draft Bill, the Government must work with the Security Industry Authority to look to urgently standardise and improve training for security guards across the UK.*

87. Security at publicly accessible venues is vital in preventing and handling a terrorist attack. Yet there are some serious concerns about the education and procurement of security officers that the Draft Bill does not attempt to address, despite the fact the Government is “looking at it separately”. The Draft Bill presents an opportunity for the Government to address these issues. *The Government should consider incorporating provisions into the Draft Bill in relation to education and procurement of security at enhanced tier premises and venues.*

73 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q93](#).

74 As above.

75 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q165](#).

76 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q167](#).

People presenting as experts/consultants on implementing the Draft Bill

88. We were told that some people are already presenting as experts/consultants on the Draft Bill to businesses and organisations before the Draft Bill has completed the necessary stages to become law. Figen Murray told us:

Unfortunately, a few people have already set themselves up as consultants or experts, and are going round companies and organisations saying, “I can help you make your premises or business Martyn’s-law safe,” but at the moment, that cannot happen because we do not know exactly what is entailed in Martyn’s law, so it is not okay to do that.⁷⁷

Similarly, Shaun Kennedy from Securitas and the British Security Industry Association told us:

It is not developing; it has started, unfortunately. We see it now weekly. We see it from our clients, who forward communications that are forwarded to them by the overnight protect duty experts that appear. There are some significant concerns around that because, first of all [...] there is a lack of qualification around the risk assessment in the Bill. There has to be a qualification or a said competence, because the absence of that drives the current behaviours.⁷⁸

89. The Government must take steps to prevent the spread of false information regarding the Draft Bill amongst premises that would be captured by the Bill, urgently.

90. Following our recommendation regarding a targeted communications campaign in chapter 1, the Government should use this campaign to ensure those premises captured by the Draft Bill are aware of these self-styled consultants and ensure premises know where they can get up-to-date, accurate information.

Risk assessments

91. For enhanced tier premises and venues, clause 12 of the Draft Bill provides that the person responsible for enhanced duty premises or events must ensure that a terrorism risk assessment has been completed of the premises. From time to time, this risk assessment must be revised and kept up to date.

92. Shaun Kennedy told us that the “initial risk assessment is so key” and that there must be a specific standard set for them. He said:

If the risk assessment is not defined to a specific standard, you could do a risk assessment and I could do a risk assessment, and there could be two totally different solutions, two totally different security recommendations and two different total standards. That is the huge problem that we have in the UK at the moment.⁷⁹

77 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q13](#).

78 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q78](#).

79 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q93](#).

He said in the Draft Bill, there “should be a standard on the risk assessment, which determines the security solution or—to the village hall perspective—the advice”.⁸⁰

93. We agree that there should be a standard on the risk assessment provided for in the Draft Bill, in order to prevent different standards of risk assessment taking place across those venues and premises captured by the legislation.

Guidance

94. Guidance for premises and events captured by the Draft Bill, on the requirements set out in the Draft Bill, will be imperative to ensuring that this legislation is implemented as well as it can be. Whilst we are aware that some draft guidance has been developed in relation to the Draft Bill, namely the Draft Standard Terrorism Evaluation, we have yet to see further guidance. Nearly all the witnesses we took evidence from during our inquiry stressed the need for urgent and clear guidance on the Draft Bill.

95. Neil Sharpley from the Federation of Small Businesses told us that, “it is imperative that this legislation is accompanied by clear, concise and simple guidance that is understandable by smaller businesses”.⁸¹ Matt Jukes stressed the importance of working closely with communities on the development of the guidance.

96. Whilst we note the urgent need for guidance, we were also told how terrorists can utilise the guidance to pursue their objective. Jonathan Hall KC told us:

Let’s say a load of guidance comes in; the next wave will be terrorist attackers pulling stuff down from the internet and saying, “Well, that is what Jonathan Hall and his squash club is going to be doing. This is how you get around it”.⁸²

97. *The Government must issue all draft guidance accompanying the Draft Bill by the end of August 2023. There should be an opportunity for those premises captured by the Draft Bill and who will be relying on the guidance to feed back any concerns they have, as well as offer any recommendations for improvement.*

Proposed textual changes

98. *We recommend that the Government consider incorporating proposed textual changes set out in the Annex to this report into any Bill it presents to the House during the next Session of Parliament.*

80 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q94](#).

81 Oral evidence taken on Tuesday 6 June 2023, HC 1359, [Q29](#).

82 Oral evidence taken on Tuesday 20 June 2023, HC 1359, [Q56](#).

Conclusions and recommendations

Introduction

1. We welcome the Government's overall intention behind the Draft Terrorism (Protection of Premises) Bill, but have serious concerns about its proportionality, especially in relation to its impact on smaller premises, within the standard tier, where there is a lack of evidence that the risk of terrorist threat justifies the measures proposed or that the Bill will have any effect on reducing terrorist threats. We also have some concerns around the regulator. The whole thrust of the Draft Bill seems to be aimed at bricks and mortar rather than the real target which is a concentration of people or use of buildings by individuals or groups at higher risk of attack. (Paragraph 5)
2. We agree with the Regulatory Policy Committee's (RPC) rating of the Government's impact assessment of the Draft Bill as "not fit for purpose". We draw this conclusion as the RPC does, because of the absence of evidence "that the proposal would reduce terrorism for small venues". (Paragraph 6)

Purpose of the Draft Bill

3. The overall objective of the Draft Bill remains opaque. We agree with the Independent Reviewer of Terrorism Legislation that the overall purpose of the Bill must be made clear, especially to those venues/premises that will be captured by the duties in the Bill. The rhetoric around the Draft Bill appears to suggest that the Bill is more about prevention. However, our analysis of the Draft Bill suggests it is about the consequences of a terrorist attack. (Paragraph 10)
4. *The Draft Terrorism (Protection of Premises) Bill, the explanatory notes to the Bill and all guidance related to the Bill must clearly, and consistently, set out what the purpose of the Bill is.* (Paragraph 10)
5. We are concerned to learn that the Draft Bill would not have made a difference to the vast majority of the terrorist attacks that have happened in the UK in recent years. This suggests that the Draft Bill will not achieve some of its main objectives. If the Bill is to proceed, (Paragraph 13)
6. *The Government must consider what changes could be made to the Draft Bill that would have made it effective should it have existed at the time of recent terrorist attacks.* (Paragraph 13)
7. *In order for venues/premises captured by the Draft Bill to prepare for the requirements that will be imposed on them through the Draft Bill, the Home Office must undertake a targeted communications campaign to raise awareness of the Draft Bill as soon as possible. This campaign should set out what the main duties are for standard and enhanced premises, what organisations will be captured by the duties and what they are expected to do as a result.* (Paragraph 15)
8. The cost on standard and enhanced tier premises of implementing these proposals, estimated by the Government, is disproportionate to the level of threat, particularly

for those small and medium-sized premises captured in the standard tier. In addition, the basis for the Government's estimates is unclear, and they may well turn out to be underestimates. Given the potentially serious consequences, this is a significant concern. (Paragraph 21)

9. *The Home Office should publish the criteria used to calculate the estimated cost to qualifying premises to help premises and Parliament understand how those figures were arrived at.* (Paragraph 21)
10. The threat of terrorism and the types of terrorist attacks across the United Kingdom vary widely. The fact that attacks that have happened in parts of the UK, such as Scotland, would not fall in scope of the Draft Bill is a concern to us. We are not convinced that the Draft Bill takes into account the varying types of terror threats posed to each part of the United Kingdom. (Paragraph 27)

Duties and qualifying premises and events

11. The Government has not provided a rationale or any evidence for why capacity figures of 100 and 800 for standard and enhanced tier premises have been chosen, and why certain types of premises are excluded entirely. We wholly agree that larger venues—such as Manchester Arena—should be required to undertake the sort of measures set out in the Draft Bill. However, we are concerned that the capacity figure of 100 for standard tier premises, which will capture some small and micro-sized businesses, and community-run and voluntary groups, could be disproportionate and burdensome. This category is particularly troubling because it would include many smaller venues that may not have sufficient resources to cover costs of what is proposed. It would also cover village halls, places of worship and similar amenities that provide vital community support, often on low budgets. If such places are forced to close down, this represents a win for terrorism, rather than an effective means of combatting it. (Paragraph 39)
12. *We agree with the Local Government Association that the Terrorism (Protection of Premises) Bill should be implemented in stages, starting with enhanced tier premises.* (Paragraph 40)
13. *A review should be conducted yearly and every time there is a terrorist attack to assess how well the legislation has worked in protecting against, preparing for and dealing with the attack. Research should also be undertaken on the threat of terrorism to small and micro-sized businesses. Should that research suggest there is sufficient benefit of extending the legislation to standard tier premises, then provision should be made to introduce the duties to those premises at the earliest opportunity.* (Paragraph 41)
14. *The Government should consider what financial assistance may be necessary to support small and micro-businesses whose premises fall within the enhanced tier before introducing the Draft Bill to Parliament.* (Paragraph 42)
15. *All publicly accessible outdoor events are a prime target for terrorists, whether or not express permission is needed to enter. The Government should consider expanding the scope of the Draft Bill to include those outdoor events with a capacity of over 800 and where express permission and payment is not required to enter.* (Paragraph 46)

16. In principle, we agree with the scope of the requirements set out in the Bill for qualifying public premises and qualifying public events, including the provision of terrorism protection training. (Paragraph 57)
17. *However, those duties must co-exist effectively with existing duties and practices, and must be the responsibility of the right people. The precise details of those duties must also be meaningful as well as practicable. In particular, any training that is provided needs to be of a prescribed standard; otherwise, there is an obvious danger that organisations will provide something of limited or no value. The Government should also give further consideration to how voluntary run organisations might be impacted by the requirement to provide training and work with the sector to find a more suitable alternative to the current system of training outlined in the Draft Bill.* (Paragraph 57)

The regulator and its enforcement powers

18. The regulator will be a key factor in determining the success of the Draft Bill's measures. It will have extensive powers and oversee a regulatory framework estimated to cost billions of pounds. However, the Draft Bill is currently incomplete on the identity of the regulator, its governance, and its accountability. There are no provisions setting out who the regulator will be, whether it will be independent or not, how it operates and how it should be accountable. It appears to be the Government's intention that the Draft Bill will be developed on this point once it has considered the outcome of the pre-legislative scrutiny process. However, that is misunderstanding the nature of such scrutiny; it is not for select committees to help initiate legislative provisions, particularly of such a fundamental nature, but rather to comment on draft provisions produced by Government. (Paragraph 66)
19. *The Government should develop concrete proposals on the regulator within the next two months and amend the Draft Bill before introducing the Bill to the House.* (Paragraph 66)
20. The regulator will have the power to issue contravention and restriction notices on premises, which may have serious consequences. This may well be justified in certain circumstances given the risks involved. However, it is important that the standard of proof required before using such notices is proportionate to the severity of the non-compliance. (Paragraph 71)
21. The regulator's investigatory and enforcement powers are potentially extensive and intrusive. The provision of these powers may be necessary, but they must be used in a proportionate manner. (Paragraph 72)
22. *The Government should review the operation of the investigatory and enforcement powers and ensure the thresholds for using them, and the manner in which they may be used, are justified accordingly.* (Paragraph 72)

Other considerations

23. The way in which first responders intervene after a terrorist attack could be the difference between life and death. Those working at the venues or premises captured

by the Draft Bill will most likely be the ones who are able to help provide immediate medical assistance. The Draft Terrorism (Protection of Premises) Bill provides an opportunity for the Government to ensure that large-scale venues and public premises roll out appropriate medical training to staff, including security officers, on how to respond to casualties after a terrorist attack has taken place. (Paragraph 77)

24. *The Home Office should include a provision in the Draft Bill to provide mandatory life-saving training to staff to the premises captured by the Bill. The Home Office should also consider providing for mandatory bandage kits on those premises.* (Paragraph 77)
25. We agree that the Draft Terrorism Bill could be strengthened by making it a requirement for publicly accessible new builds to consider security in the design of the building. (Paragraph 80)
26. *The Government should include provision in the Bill to require new publicly accessible buildings, which would fall within the category of enhanced tier premises, to consider security in the design of the building.* (Paragraph 80)
27. We are gravely concerned to hear that the UK security industry has one of the lowest entry thresholds in Europe for training. This is simply unacceptable. If the Government is serious about protecting the public from terrorist attacks, improving the training of those working in the security industry seems like an obvious step. (Paragraph 86)
28. *Independently of the Draft Bill, the Government must work with the Security Industry Authority to look to urgently standardise and improve training for security guards across the UK.* (Paragraph 86)
29. Security at publicly accessible venues is vital in preventing and handling a terrorist attack. Yet there are some serious concerns about the education and procurement of security officers that the Draft Bill does not attempt to address, despite the fact the Government is “looking at it separately”. The Draft Bill presents an opportunity for the Government to address these issues. (Paragraph 87)
30. *The Government should consider incorporating provisions into the Draft Bill in relation to education and procurement of security at enhanced tier premises and venues.* (Paragraph 87)
31. The Government must take steps to prevent the spread of false information regarding the Draft Bill amongst premises that would be captured by the Bill, urgently. (Paragraph 89)
32. Following our recommendation regarding a targeted communications campaign in chapter 1, the Government should use this campaign to ensure those premises captured by the Draft Bill are aware of these self-styled consultants and ensure premises know where they can get up-to-date, accurate information. (Paragraph 90)
33. We agree that there should be a standard on the risk assessment provided for in the Draft Bill, in order to prevent different standards of risk assessment taking place across those venues and premises captured by the legislation. (Paragraph 93)

34. *The Government must issue all draft guidance accompanying the Draft Bill by the end of August 2023. There should be an opportunity for those premises captured by the Draft Bill and who will be relying on the guidance to feed back any concerns they have, as well as offer any recommendations for improvement. (Paragraph 97)*
35. *We recommend that the Government consider incorporating proposed textual changes set out in the Annex to this report into any Bill it presents to the House during the next Session of Parliament. (Paragraph 98)*

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Annex 1

Clause	Text	Comment
3 and 4	<p>Clause 3</p> <p>(2) For the purposes of subsection (1) (b)—</p> <p>(a) where the premises primarily comprise land in the open air, access to the premises by a member of the public must be by express permission only (whether or not on payment) ...</p> <p>Clause 4</p> <p>(2) For the purposes of subsection (1)(b), access to the premises by a member of the public for the purpose of attending the event must be by express permission only (whether or not on payment).</p>	<p>It is unclear why “express” permission would be needed in respect of these particular premises, rather than the implied or express permission with others.</p> <p>This would mean for example that a historic house without gardens that allowed the public to enter with implied rather than express permission would be subject to the Bill’s provisions, but a historic house with gardens that allowed the public to enter on the same basis would not be. The rationale for such a distinction is not apparent.</p>
11 and 12	<p>Clause 11</p> <p>(1)</p> <p>...</p> <p>(b) ensure that the evaluation is reviewed in accordance with subsection (2),</p> <p>...</p> <p>(d) ensure that a copy of the current evaluation is made available to each individual who uses the premises as a place of work,</p> <p>(e) if requested to do so by the regulator, provide the regulator with a copy of the current evaluation within such reasonable period as the regulator may specify in the request.</p> <p>Clause 12</p> <p>(5) ...</p> <p>...</p> <p>...</p> <p>(b) the reasonably practicable measures that might be expected to reduce the risk of acts of terrorism of those types occurring at, or in the immediate vicinity of, the premises or event;</p> <p>(c) the reasonably practicable measures that might be expected to reduce the risk of physical harm to individuals if acts of terrorism of those types were to occur at, or in the immediate vicinity of, the premises or event ...</p>	<p>Several differences between these clauses are not self-evidently justified.</p> <p>Clause 11(1)(b) appears superfluous. There is no equivalent in clause 12. Clause 11(2) (similar to clause 12(2)) appears sufficient on its own to require review of the evaluations.</p> <p>It is unclear why there are no equivalent provisions for enhanced duty premises in clause 12 to those for standard duty premises provided by clauses 11(d) and (e). While it is the case that other duties for enhanced duty premises may cover similar ground, it is unclear why there should be no provision for those working at these premises to be given notice of the evaluation, and no provision allowing the regulator to see it if requested.</p> <p>It is unclear why enhanced duty terrorism evaluations under clause 12(5) are required to provide “reasonably practicable measures”, whereas standard terrorism evaluations under clause 11(4) are required to provide simply “measures”. This suggests that standard terrorism evaluations are required to take measures that go beyond what is “reasonably practicable”. That seems wrong in principle. If some different standard is required, it would be better to clarify exactly what that is. Otherwise, to avoid confusion, it would be better to adopt a consistent drafting approach.</p>

Clause	Text	Comment
Clause 11(3) (also clauses 12(3), 13(5))	(3) For the purposes of subsection (2)(a), a change to premises or to the use of premises is “material” if it is reasonable to assume that the change would materially effect the standard terrorism evaluation of the premises.	The word “effect” appears to be a typographical error for “affect”.
18	(1) A person (“R”) who is the person responsible for qualifying public premises or a qualifying public event may give another person (“P”) a cooperation notice if— (a) P has, to any extent, control of the qualifying public premises or the premises at which the event is to be held (as the case may be), (b) a requirement imposed on R by or under this Act relates to a matter that is within P’s control, and (c) in order to comply with the requirement, R reasonably requires the cooperation of P.	This power appears to be entirely at the discretion of the person responsible, and under clause 18(4), “P” must take all steps required in the notice. This is an unusual, and very broad, power to give to private individuals, and there appears to be no mechanism to challenge the making of a notice. In particular, there is no provision giving the Tribunal the role of determining whether a cooperation notice was appropriate under clause 20. “P”’s only recourse under the Bill would appear to be to persuade the regulator that a cooperation notice had been erroneously given if the regulator issued a contravention or penalty notice against them. Unless there is some justification that is not apparent, there appears to be insufficient protection for those who may be given such a notice to object to it.
25	(6) If the tribunal cancels a notice (in whole or in part), it may refer the matter back to the regulator with a direction to reconsider and make a new decision in accordance with its ruling.	This states that if the tribunal cancels a contravention or restriction notice it “may” refer the matter back to the regulator. It is unclear what should happen if the tribunal does not decide to refer the matter back to the regulator. Is the regulator then impliedly prevented from imposing another such notice for that contravention? Alternatively, should there be a requirement to refer the matter back, and so should the word “may” be replaced with “must”? (Similar comments apply regarding clause 31(5) regarding penalty notices.)
Schedule 2 para 5	(2) The conditions are that— (a) the premises are not qualifying public premises or premises at which a qualifying public event is to be held ...	It is unclear what the purpose would be of inspecting (under warrant) premises that fall outside the scope of the Act (as defined in clause 2). Under paragraph 5(1), such a warrant can only be given for “the purposes of a terrorism protection investigation”, and such an investigation can only concern potential contraventions under the Bill (see paragraph 1), which in turn only concerns premises in scope of the Bill.
Schedule 2 para 9	(b) with intent to deceive, falsely pretends to be an authorised inspector.	The words “with intent to deceive, falsely” appear superfluous: they do not appear to add anything to the word “pretends”.

Formal minutes

Wednesday 19 July 2023

Members present:

Dame Diana Johnson, in the Chair

Lee Anderson

James Daly

Simon Fell

Carolyn Harris

Marco Longhi

Tim Loughton

Terrorism (Protection of Premises) draft Bill

Draft Report (Terrorism (Protection of Premises draft Bill) proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 98 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Wednesday 6 September 2023 at 9.00am.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 6 June 2023

Figen Murray OBE, Campaigner for Martyn's Law and mother of Martyn Hett;
Nick Aldworth, Director, Risk to Resolution Ltd

[Q1-14](#)

Neal Sharpley, Policy Chair, Federation of Small Businesses; **Councillor Clive Woodbridge**, Deputy Chair of the Safer and Stronger Communities Board, Local Government Association and Mayor of Epsom and Ewell Borough Council; **Jane Gratton**, Head of People, British Chambers of Commerce

[Q15-33](#)

Mark Gardner, Chief Executive, Community Security Trust; **Mike Kill**, Chief Executive Officer, Night Time Industries Association

[Q34-52](#)

Tuesday 20 June 2023

Jonathan Hall, Independent Reviewer of Terrorism Legislation, Independent Reviewer of Terrorism Legislation

[Q53-73](#)

Matt Jukes, Assistant Commissioner for Specialist Operations, Metropolitan Police Service; **Shaun Kennedy**, Chief Operating Officer for Central Europe, Securitas

[Q74-104](#)

The Rt Hon Tom Tugendhat MBE VR MP, Minister for Security, Home Office; **Shaun Hipgrave**, Director Protect and Prepare, Homeland Security Group, Home Office

[Q105-184](#)

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Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

TER numbers are generated by the evidence processing system and so may not be complete.

- 1 ACRE (Action with Communities in Rural England) ([TER0021](#))
- 2 Aberdeenshire Council ([TER0040](#))
- 3 Action Hampshire ([TER0029](#))
- 4 Aldworth, Nick ([TER0012](#))
- 5 Anonymised ([TER0025](#))
- 6 Anonymised ([TER0017](#))
- 7 Association of Independent Museums ([TER0034](#))
- 8 Bedford Choral Society ([TER0019](#))
- 9 British Beer & Pub Association ([TER0005](#))
- 10 Churches' Legislation Advisory Service ([TER0020](#))
- 11 City of London Corporation ([TER0039](#))
- 12 Community Matters ([TER0032](#))
- 13 Crowdguard ([TER0043](#))
- 14 England and Wales Cricket Board ([TER0036](#))
- 15 Evangelical Alliance ([TER0030](#))
- 16 Evening Rehearsal Orchestra of St Albans ([TER0041](#))
- 17 French, ([TER0014](#))
- 18 Garrett, Mr Simon ([TER0013](#))
- 19 Guildford United Reformed Church ([TER0004](#))
- 20 Home Office ([TER0055](#))
- 21 Kill, Mike (CEO, Night Time Industries Association) ([TER0016](#))
- 22 Kingsclere Village Club ([TER0006](#))
- 23 LIVE (Live music Industry, Venues and Entertainment) ([TER0007](#))
- 24 Lawn Tennis Association ([TER0053](#))
- 25 Leatherhead Concert and Arts Society ([TER0047](#))
- 26 Local Government Association ([TER0002](#))
- 27 Making Music, the National Federation of Music Societies ([TER0028](#))
- 28 Motor Insurers Bureau ([TER0024](#))
- 29 Murray OBE, Figen; Aldworth, Nick; and Cox, Brendan ([TER0003](#))
- 30 National Association of Local Councils ([TER0049](#))
- 31 Newbury Symphony Orchestra ([TER0031](#))
- 32 North Creedy Choral Society ([TER0015](#))
- 33 Perimeter Security Suppliers Association (PSSA) ([TER0044](#))

- 34 Phillips, Dr Brian (University of Essex) ([TER0009](#))
- 35 Pirie, Mr Ian ([TER0010](#))
- 36 Pool Reinsurance; and Association of British Insurers (ABI) ([TER0018](#))
- 37 Ranby, Dr Edmund ([TER0022](#))
- 38 Rapaid Emergency Bandages ([TER0046](#))
- 39 Rapaid Emergency Bandages ([TER0045](#))
- 40 Register of Security Engineers and Specialists ([TER0001](#))
- 41 SIDOS UK ([TER0050](#))
- 42 Scottish Rugby ([TER0042](#))
- 43 Scunthorpe and North Lincolnshire Concert Society ([TER0048](#))
- 44 Society of Local Council Clerks ([TER0052](#))
- 45 Sport and Recreation Alliance ([TER0054](#))
- 46 TLT Solicitors ([TER0027](#))
- 47 Twyford Parish Hall ([TER0033](#))
- 48 The Football Association ([TER0051](#))
- 49 The Racecourse Association ([TER0038](#))
- 50 The Scottish Football Association; The Scottish Professional Football League; and The Scottish Women's Premier League ([TER0035](#))
- 51 The University of Edinburgh ([TER0037](#))
- 52 The Wantage Orchestra ([TER0026](#))
- 53 Wood, Chris ([TER0023](#))
- 54 Stockport Symphony Orchestra ([TER0011](#))

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List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	Channel crossings, migration and asylum	HC 199
2nd	Asylum and migration: Albania	HC 197
1st Special Report	The Macpherson Report: twenty-two years on: Government Response to the Committee's Third Report of Session 2021–22	HC 274
2nd Special Report	Spiking: Government Response to the Committee's Ninth Report of Session 2021–22	HC 508
3rd Special Report	The investigation and prosecution of rape: Government Response to the Committee's Eighth Report of Session 2021–22	HC 507
4th Special Report	Channel crossings, migration and asylum: Government Response to the Committee's First Report	HC 706

Session 2021–22

Number	Title	Reference
1st	Violence and abuse towards retail workers	HC 141
2nd	The UK's offer of visa and settlement routes for residents of Hong Kong	HC 191
3rd	The Macpherson Report: Twenty-two years on	HC 139
4th	Appointment of the Chair of the Gangmasters and Labour Abuse Authority	HC 814
5th	The Windrush Compensation Scheme	HC 204
6th	Police Conduct and Complaints	HC 140
7th	Appointment of Her Majesty's Chief Inspector of Constabulary and Her Majesty's Chief Inspector of Fire & Rescue Authorities in England	HC 1071
8th	Investigation and prosecution of rape	HC 193
9th	Spiking	HC 967
1st Special Report	Violence and abuse towards retail workers: Government Response to the Committee's First Report	HC 669

Number	Title	Reference
2nd Special Report	The UK's offer of visa and settlement routes for residents of Hong Kong: Government Response to the Committee's Second Report	HC 682
3rd Special Report	The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report	HC 1098
4th Special Report	Police conduct and complaints: Government Response to the Committee's Sixth Report	HC 1264

Session 2019–21

Number	Title	Reference
1st	Home Office preparedness for Covid-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
6th	Appointment of the Independent Chief Inspector of Borders and Immigration	HC 1024
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661
3rd Special Report	Home Office preparedness for Covid-19: coronavirus: policing: Government Response to the Committee's First Report	HC 660
4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 973
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 974