

A photograph of three business professionals (two men and one woman) sitting at a table in a modern office or cafe at night. They are looking at laptops and talking. The background is dark with some blurred lights. The image is partially covered by a dark green overlay at the bottom.

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# Public Sector Wales Topical Health and Safety Update - Protect Duty Consultation

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# Publicly accessible locations - a proposed new Protect Duty

- Public consultation arising out of Manchester Arena attack and other terrorist attacks; ran from 26 February to 2 July 2021
- Submissions/feedback currently undergoing analysis and outcomes awaited
- Views sought from venues, organisations, businesses, local authorities, public authorities and individuals on how a Protect Duty can make the public safer at publicly accessible locations

# Manchester Arena attack 2017 - missed opportunities – threat level severe

- The security arrangements for the Arena should have prevented or minimised the devastating impact of the attack
- Lack of alertness to possibility of hostile reconnaissance
- CCTV blind spot provided a hiding place
- Positioning of the security perimeter
- Staff/BTP training/discipline/alertness/focus/presence
- Appropriate responses to expressed concerns

# Recommendations

- Guarding against complacency
- Need for robust procedures that are followed
- Appropriate security briefings
- Any and all suspicious behaviour must be noted, reported and acted upon
- Impetus for Protect Duty

# Publicly accessible locations include:

- Sports stadiums
- Festivals
- Music venues
- Hotels, pubs and clubs
- High streets
- Retail stores, shopping centres and markets
- Schools and universities
- Hospitals
- Places of worship
- Transport hubs
- Parks
- Beaches
- Government offices
- Public squares and other open spaces



# Suggested formulation of a Protect Duty

- To take such steps as are reasonably practicable to ensure the security of members of the public...on land or in premises with express or implied permission to be there
- “Reasonably practicable” steps are those which are not ruled out because they involve grossly disproportionate sacrifices
- Concept of “security”: protecting those to whom the protect duty is owed from harm as a result of a terrorist attack

# ‘Mechanics’ of the Duty

- Risk assessments leading to and including action
- Failure to act = enforcement
  - “Light touch inspection regime”
  - New offence to be created for non-compliance

# Who? What? How?

Who	What	How
<ul style="list-style-type: none"><li>• Public venues</li><li>• Large organisations</li><li>• Public spaces</li></ul>	<ul style="list-style-type: none"><li>• Consideration leading to action</li><li>• Differences between:<ul style="list-style-type: none"><li>• Venues and organisations and public spaces</li><li>• Small and large organisations</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Risk assessments and training</li><li>• Regular reviews – annually but also when something changes (i.e. threat level, organisation size etc)</li></ul>



# Local Government Association response

- Wide parameters
- Similar legislative landscape to existing regimes
- Could the aim of the Duty be achieved through extension of an existing regime?

# Is extension of HSAWA regime a realistic option?

- Avoids need for time consuming new legislation
- Tried and tested
- But complex matrix of relevant stakeholders and different issues – Crowded Places Guidance/Civil Contingencies Act
- Basis of risk assessment need not be substantially different
- Giving the issue the prominence it deserves

# What has been done elsewhere?

- Australia
  - No clear legislation but strategy and policy seem to point to responsibility stemming from health and safety law
- France
  - Clear response but rooted in public law

# Conclusions, comments, questions

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# Thank You

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