

TITLE OF REPORT: **Protect Duty Consultation**

REPORT OF: **Sheena Ramsey, Chief Executive**

Purpose of the Report

1. The purpose of this report is to make Cabinet aware of Gateshead Council's response to the Home Office consultation on the proposed Protect Duty.

Background

2. The first duty of Government is to protect the public. Terrorist threats from a range of evolving sources have caused many deaths and injuries, often in open public spaces, over recent years.
3. This consultation considers how the Government might use legislation to enhance the protection of publicly accessible locations across the UK from terrorist attacks, alongside ensuring organisational preparedness via the Protect Duty. Many of the establishments, owners and operators alluded to within the Protect Duty already provide security arrangements voluntarily, which if included in the legislation would provide a certainty of responsibility and consistency. To strengthen security arrangements, there are reasonable and appropriate measures that can be implemented at publicly accessible locations:
 - Having security plans and procedures to react and respond to different threats which are understood by all staff and regularly exercised;
 - Having simple and freely available training and awareness courses in place as part of new staff and refresher training programmes; and
 - Employing simple security measures (such as door locks, roller shutters) for crime prevention and anti-social behaviour, which may also be used in response to other security threats.
4. Impacts of any changes in legislation must be carefully balanced against the need to ensure effective public security considerations. The Government recognises the requirement for a holistic approach to this process, which will include the police, security services, the public sector, businesses and the public with enhanced Government support.

Proposal

5. Cabinet is asked to note and endorse the response to this national consultation as set out in appendix 2, which was submitted to the Home Office by the deadline of 2 July 2021.

Recommendations

6. It is recommended that Cabinet notes and endorses the response to this national consultation as set out in appendix 2.

For the following reason:

To enable the Council to contribute a response to the consultation.

CONTACT: Marc Hopkinson / Michael Reynard

extension: 3986

APPENDIX 1

Policy Context

1. The response supports the Thrive policy framework.

Background

2. The Home Office launched the Protect Duty consultation on 26th February 2021. An initial report was provided to Corporate Management Team on the 31st March 2021 to raise awareness of the consultation with a recommendation to provide support where required.
3. The consultation was open to the public and was targeted at local authorities, venues, organisations, businesses, public authorities and individuals who own or operate publicly accessible locations. The four main themes of the consultation, which are broken down into a set of 58 questions were:

Who (or where) should legislation apply to: This part of the consultation will consider to which venues, public spaces and organisations the legislation should apply. The question set within this category includes information on the capacity of venues and the number of employees.

What should the requirements be: The questions focus on what is reasonably practical to put in place and what organisations are already doing to mitigate the threats from terrorism.

How should compliance work: This section asks how inspection regimes can be best used to improve security arrangements and how compliance and enforcement of the duty could work.

How should Government best support and work with partners: The final section explores the most effective and accessible methods that could be employed to facilitate advice and guidance to those working under new legislation and/or enforcing it.

4. A summary of the Council's response is attached as appendix 2; all final responses are highlighted in red text on this document, with contributions from various services across the Council.

Consultation

5. There has been no external consultation.

Alternative Options

6. There are no alternative options noted.

Implications of Recommended Option

7. Resources:

- a) **Financial Implications** – The outcome of the national consultation will inform the statutory duties to be undertaken by those responsible for public buildings and spaces, including any as yet undetermined financial implications.
- b) **Human Resources Implications** – The outcome of the national consultation will inform the statutory duties to be undertaken by those responsible for public buildings and spaces, including any as yet undetermined human resource implications.
- c) **Property Implications** - The outcome of the national consultation will inform the statutory duties to be undertaken by those responsible for public buildings and spaces, including any as yet undetermined building implications.

8. **Risk Management Implication** – The effective implementation of duties as yet to be determined under the Protect Duty will mitigate the risk to those attending publicly accessible buildings and spaces from terrorism and malicious acts.

9. **Equality and Diversity Implications** - There are no equality and diversity implications directly arising from this report.

10. **Crime and Disorder Implications** – The effective implementation of duties as yet to be determined under the Protect Duty will actively mitigate the risk of terrorist acts and malicious attacks at publicly accessible buildings and spaces.

11. **Health Implications** - The effective implementation of duties as yet to be determined under the Protect Duty will mitigate the risk to the health of those attending publicly accessible buildings and spaces from terrorism and malicious acts.

12. **Climate Emergency and Sustainability Implications** - There are no climate emergency and sustainability implications directly arising from this report.

13. **Human Rights Implications** - There are no human rights implications directly arising from this report.

14. **Ward Implications** - The effective implementation of duties under the Protect Duty could have implications in all ward areas as this will include all publicly accessible buildings and areas.

Background Information

15. Home Office consultation document.