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Rt Hon Dame Priti Patel DBE MP
House of Commons
London
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BY EMAIL ONLY

25 October 2024

Dear Priti,

Terrorism (Protection of Premises) Bill

Thank you for your thoughtful and important contributions at the Second Reading of the Terrorism (Protection of Premises) Bill on Monday 14th October. I promised to write with further details about support for victims and survivors of terrorism and to address the other points you raised.

Support for victims and survivors of terrorism

This Government is absolutely committed to ensuring that victims and survivors of terrorism receive the support that they need. I understand that providing victims and survivors with the support they deserve is of great importance to you, having commissioned the review in 2020. The internal review of support for victims and survivors of terrorism has produced a comprehensive assessment of the support available and made several recommendations to strengthen this support. I am pleased to update you that the Government is resolved to deliver on the review's findings and my officials are working across Government to progress this important work.

As I mentioned during the debate, I have had the pleasure of meeting Travis Frain and have been inspired by his work to ensure the lived experiences of victims and survivors are recognised. Travis and the victim and survivor community have provided an invaluable contribution to the review, for which I am extremely grateful. I admire their tireless efforts to campaign for reform and I want to make sure that their voices continue to inform our work in Government. Therefore, I will be meeting with the victims who contributed to the review this Autumn, when I intend to both listen to their views and provide an update on the review's progress and next steps.

SIA and penalties

You asked about how the SIA can ensure that businesses are undertaking their responsibilities without additionally burdening them. I agree with your comment that penalties should be a last resort for the regulator. We expect that the majority of those in scope want to comply with their statutory obligations. This is also the Government's experience across other regulatory regimes. For this reason, the primary role of the SIA

will be to provide advice, guidance and support to aid those in scope to meet their obligations.

Nevertheless, not least due to the severity of the risk posed by terrorism, it is important that the regulator has the necessary tools – including the option of imposing civil penalties – to address serious or persistent non-compliance swiftly. Clause 20 of the Bill ensures a proportionate approach will be taken when determining penalty amounts, as the SIA will need to consider a range of factors, including the seriousness of the contravention and an organisation's ability to pay. The SIA will be required to produce guidance about how it will exercise its enforcement functions. This guidance will be approved by the Secretary of State.

Impact on Local Authorities

You asked what assurances could be given about the work under way with colleagues in MHCLG to support Local Authorities and whether there would be any financial support for them. We will be undertaking a New Burdens Assessment and will carefully consider its findings and any cost implications for local authorities. The Government will also look to work with Local Authorities to help them develop their own localised guidance and advice once the Bill has been finalised.

We have designed the Sensitive Information in Licensing Applications (SILA) provisions of the Bill to avoid placing additional pressure on local authorities. If an existing set of premises wishes retrospectively to submit a second plan for public inspection, a small fee will be charged by the local authority to recoup costs associated with amending the register.

Support for schools and educational institutions

As you correctly observed, all educational premises (other than higher education establishments) which are reasonably expected to accommodate more than 200 individuals, will fall within the standard tier. The requirements of the standard tier are intended to be simple and low cost. They consist of appropriate procedures to be followed in the event of an attack or suspected attack. There is no specific requirement to put in place any physical measures.

The Home Office will work closely with the SIA to produce a package of free, easy to access advice and guidance, to aid those responsible on how to best comply with this legislation. The SIA will also support organisations to understand what may be considered reasonably practicable against their circumstances.

For the avoidance of doubt, the above support is in addition to what is already freely available. Government security experts, including the National Protective Security Authority, have produced detailed advice and guidance designed for those who operate premises and events. This advice is designed to both help understand threats and explain how to take forward appropriate mitigations on a voluntary basis. This forms part of the extensive programme of free, trusted guidance, training and tools available through ProtectUK. This also includes consideration as to where bespoke guidance may be helpful for certain sectors. For example, the Department for Education has issued protective security and preparedness guidance for education settings. We will continue to consider the current suite of products and how these interact with legislative guidance in future.

Interaction of the Bill with existing legal requirements on businesses

You raised the point that we need to look carefully at how the requirements of this Bill may interact with those of existing legal requirements. This Bill's proposals are based on similar concepts, entailing following similar systems and processes, to those that organisations will have in place for fire safety and health and safety, for example.

The Terrorism (Protection of Premises) Bill has a 'reasonably practicable' standard of requirements in both tiers, which is designed to allow procedures and measures to be tailored to the specific circumstances of a premises or event. This will allow consideration of what is within the premises' control and the resources they have available to them, as well as what is appropriate for their premises or event.

We have designed this regime to ensure it does not conflict with other existing requirements. We will keep this under review and will issue clarification guidance where appropriate.

Planning policy

You also asked whether we had considered making changes to planning policy alongside the Bill. The National Planning Policy Framework, and their equivalents in the Devolved Governments, already contain provisions regarding security considerations to ensure healthy and safe communities.

Additionally, planning practice guidance highlights that security should be a central consideration to the planning and delivery of appropriate new developments and substantive retrofits. We will consider with the Ministry for Housing, Communities and Local Government (MHCLG), and planning leads in the Devolved Governments, how security considerations are referenced and achieved through the planning regimes and guidance once the provisions of this Bill are agreed.

Stakeholder support and design measures

Extensive engagement has taken place with the events sector, including to understand the type of mitigations that can reduce vulnerabilities and the risk of harm in the event of an attack. Physical safety and security measures are one such consideration which focus on the strengthening of premises and events structures to prevent certain attacks from occurring and/or mitigate their impacts.

Furthermore, Security partners across Government continue to engage with businesses and local authorities to provide advice and guidance on threats, and mitigating procedures and measures, where it is appropriate and proportionate to take them forward. This includes advice on building design, and where and when measures may be simplest and most cost effective to take forward.

The procedures and measures to be put in place are determined by what is reasonably practicable. This focuses on considerations that the responsible person will make to determine what is reasonable, effective, and appropriate for their specific circumstance in seeking to comply with the legislative requirements. What is reasonably practicable will depend on the individual circumstances, and the procedures and measures that are reasonably practicable for one set of premises will not necessarily be the same for another. This will enable organisations to take into account the nature of the premises or event, their activities, and resources. In essence, one size will not fit all, and we are very conscious of proportionality for businesses of all sizes.

Once again, I would like to thank you for your important and valuable contributions at the Second Reading of the Terrorism (Protection of Premises) Bill. I would also like to assure you that the Government intends to deliver on the findings of the support for victims and survivors of terrorism review as soon as possible. I will update you on our agreed next steps in due course. Please do not hesitate to get in touch, should you have any further questions on this matter or the Terrorism (Protection of Premises) Bill.

I am also placing a copy of this letter in the House of Commons Library.

Very best wishes,

A handwritten signature in black ink, appearing to read 'Dan Jarvis', with a horizontal line underneath it.

Dan Jarvis MBE MP
Security Minister