

NORTH LINCOLNSHIRE COUNCIL

CABINET

Protect Duty 2022

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To provide an update to Cabinet on the new “Protect Duty” 2022 and to confirm the local process for implementation of the Duty.

2. BACKGROUND INFORMATION

2.1 Protecting Public Places - Current Position

Protect is one of the four Government P’s which comprise the CONTEST strategy used to help implement their approach to Counter Terrorism: Protect, Prevent, Pursue and Prepare.

With some exceptions (e.g., on transport and security and for certain sports grounds), there is no legislative requirement to consider or implement security measures at publicly accessible locations.

2.2 New Protect Duty 2022

The Government undertook a consultation in 2021 and are proposing to introduce a new *Protect Duty* in autumn 2022.

The proposed *Protect Duty* could apply in three main areas (but may also apply to other locations, parties, and processes by exception):

- Public venues (e.g., entertainment and sports venues, tourist attractions, shopping centres)
- Large organisations (e.g., retail, or entertainment chains)
- Public spaces (e.g., public parks, beaches, thoroughfares, bridges, town / city squares and pedestrianised areas)

- 2.3 The proposals focus on legislative considerations of security being undertaken at certain publicly accessible locations (any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission), but not private venues, such as places of employment, or other locations where there is not public access.

2.4 Scope of the Duty

- Proposal: The Duty should apply to owners and/or operators of publicly accessible venues with a capacity of 100 persons or more.
- Proposal: The Duty should apply to large organisations (employing 250 staff or more) that operate at publicly accessible locations.
- Proposal: A Protect Duty should be used to improve security considerations and outcomes at public spaces – These may be open public locations which usually have no clear boundaries or well-defined entrance / exit points (e.g. city centre squares, bridges or busy thoroughfares, parks, and beaches).

2.5 What will the Proposed Duty requirements be?

For public venues and large organisations with the scope of a Protect Duty, we consider that the owners/operators should be required to:

- Use available information and guidance provided by the Government (including the police) to consider terrorist threats to the public and staff at locations they own or operate.
- Assess the potential impact of these risks across their functions and estate, and through their systems and processes; and
- Consider and take forward 'reasonably practicable' protective security and organisational preparedness measures (for example staff training and planning for how to react in the event of an attack).

2.6 Local Plans and Preparedness

The duty is on the Council and its assets, requiring responsibility and a clear line of site to the Senior Responsible Officer.

A one council approach (prevent and protect) is needed that builds upon and incorporates the existing duty regarding "prevent" and ensures that all portfolios activity is joined up.

Police interaction is through the Counter Terrorism Unit.

Therefore, to progress the work required in advance of the Duty, a new North Lincolnshire *CONTEST Board* has been established, Chaired by the Deputy Chief Executive. This Board will be supported by the work of the existing *Multi Agency Prevent Board* and a new *Protect Board* both of which will feed into the *CONTEST Board* on a regular basis.

3. OPTIONS FOR CONSIDERATION

3.1 Do Nothing: This is not an option due to the new statutory duty.

3.2 Adopt the new duty: Cabinet to note the requirements of the *Protect Duty 2022* and to receive confirmation that the required resources and structures are in place to deliver the Duty.

4. ANALYSIS OF OPTIONS

4.1 The duty is a statutory requirement, which will be placed on relevant authorities through legislation. The definitions published confirm that Local Authorities will be in the scope of the new *Protect Duty 2022*.

4.2 For most organisations in scope of a Protect Duty, it is proposed that compliance would be demonstrated by providing assurance that the threat and risk impacts had been considered, and appropriate mitigations had been considered and taken forward (implemented or plans in place for their progression). For organisations at the lower end of criteria thresholds, this would entail simple low – or no - cost preparedness measures.

4.3 The option outlined confirms the Councils continued commitment to Contest and Safeguarding individuals and places through the appropriate implementation of the Duty.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 There may be some costs associated with required mitigation plans, these will be met from within existing budgets

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 The proposal to implement the Duty as required is in line with our ongoing commitment to the ambition and priorities articulated in the Council Plan.

6.2 The Duty can be undertaken from within existing resources and there are no specific risks or capacity issues identified.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 A Stage one Integrated Impact Assessment (IIA) has been undertaken and there are no material potential negative impacts identified in relation to the proposal.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 Consultation was undertaken with regional partners and further consultation will form part of the implementation as required.

9. RECOMMENDATIONS

- 9.1 It is recommended that the Cabinet note the Protect Duty and receive confirmation that the required resources and structures are in place to deliver the Duty.

DEPUTY CHIEF EXECUTIVE

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Background Papers used in the preparation of this report: None