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UK THREAT LEVEL

Substantial or above - since first published in 2006

800 live CT investigations (y/e 31.12.20)

31 late-stage UK terror plots foiled in last 4 years

An attack is highly unlikely	An attack is possible but not likely	An attack is likely	An attack is highly likely	An attack is expected imminently
LOW	MODERATE	SUBSTANTIAL	SEVERE	CRITICAL

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manchester arena inquiry

Manchester Arena Inquiry
Volume 1: Security for the Arena

Report of the Public Inquiry into the Attack on Manchester Arena on 22nd May 2017

Chairman: The Hon Sir John Saunders
June 2021

HC 279

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Manchester Arena Inquiry Volume 1

“8.40 Whenever a new Protect Duty has been considered, questions of proportionality have arisen. It is important that, as far as possible, the risk of a terrorist succeeding is **graduated or minimised**. While we look to the Security Service and Counter-Terrorism Police to discover plots before they can come to fruition, they cannot prevent every terrorist plot as they themselves have said.

8.41 Doing nothing is, in my view, not an option. Equally, the Protect Duty must not be so prescriptive as to prevent people enjoying a normal life.

8.42 Working out what is a proportionate response is a matter for society through Parliament. Any increase in protective measures is likely to affect both those implementing them and may affect members of the public. I have seen the horrific outcome of the Attack on 22nd May 2017 and the appalling consequences it has had for the bereaved and survivors. I recommend that, when considering what is the appropriate Protect Duty for premises like the Arena, a high standard of protective security is justified”

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Manchester Arena Inquiry Volume 2

- § 11.31 "Adequate communication between control rooms focused on achieving a co-ordinated response was a major failing on the night of the Attack"
- § 15.533 "Group Manager Levy's initial countermand of the mobilisation instruction was a product of the chaotic position GMFRS was in by this stage. It caused further delay. The lack of clarity around whether Group Manager Levy or Chief Fire Officer O'Reilly was in command meant that conflicting orders were given."
- § 12.567 "NWFC witnesses stated that they were uncertain about when each plan applied. Michelle Gregson stated that the information on the night of the Attack was "vast" and "vague"."

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Risk Management Model:

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<https://www.protectuk.police.uk/guidance> (18.03.22)

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ProtectUK - advice categories [1]

- **Guidance»**
 - Risk
 - Security
 - Response
 - Recovery
 - Awareness
 - Legislation

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ProtectUK - advice categories [2]

- **Threat & Risk»**
 - Security Risk Management
 - Threat Analysis
- **News & Views»**
 - News
 - Forum
 - Webinars
- **Learning»**
 - E-learning

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LEGAL ISSUES

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LEGAL ISSUES (1)

- Who will have **responsibility for security** in any given location?
- How will that work in **public spaces**?
- How will that **allocation / acceptance** be assured at any given point in time?
- **Extent of the roles & responsibilities** of entities delivering PALs Programme?

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LEGAL ISSUES (2)

- Will there be **statutory Guidance**?
- Role of the **Purple Guide*** (see MA Inq Vol 2 Section 11)
- Extent/detail of measures and procedures to :
 - **Reduce impact** of 'harmful events' /fatalities / injuries.
 - Improve preparedness to **respond** to an attack.
- What would be '**reasonably practicable**** mitigation'?
- Case law ...

* "This guide goes beyond the compliance with the Health and Safety at Work Act and covers not only legislation and good practice for Health and Safety, but other legislation and good practice across the industry including the Licensing Act 2003, the Civil Contingencies Act 2004 the Regulatory Reform (Fire Safety) Order 2005 ..."

** Capable of providing a legal basis for the PD Inspectorate to assess and make judgements on those in scope & having regard to current economic circumstances

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LEGAL ISSUES (2.i.) - 'reasonably practicable...'

- *Edwards v National Coal Board* [1949] 1 KB 704 (CA)
Lord Justice Asquith [at 747]:

"Reasonably practicable" is a narrower term than "physically possible" and seems to me to imply that a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them—the risk being insignificant in relation to the sacrifice—the defendants discharge the onus on them. Moreover, this computation falls to be made by the owner at a point of time anterior to the accident. The questions he has to answer are: (a) What measures are necessary and sufficient to prevent any breach of s 49? (b) Are these measures reasonably practicable?"

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LEGAL ISSUES (4)

- **Prior coordination** on complex policies, procedures, communications and training (per Arena Inquiry)
- Conflicting roles/responsibilities / application of such policies / procedures **in event of an attack**
- Change in licensing procedures:

§ 20.202 "I recommend that the Department for Levelling Up, Housing and Communities review the guidance given to all licensing authorities on the decisions they make in relation to venues that hold events, and on what level of event healthcare services may be required at the events likely to be held at those venues. The guidance should indicate appropriate licence conditions to be used. The licensing authorities should then impose conditions accordingly or make those standards a requirement to meet existing conditions." **Manchester Arena Inquiry Vol 2**

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- we await your Bill with interest...

Official portrait for Sueella Braerman - MP and Lords - UK Parliament (unofficial)

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The 'Protect Duty'

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