

Crowded Places: A Response to the Consultation

March 2010



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ISBN: 978-1-84987-149-5

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Executive summary

This document provides a summary of the comments received through a public consultation exercise on the approach the Government is taking to improve the protection of crowded places and the Government's response to those comments.

The documents: *'Working Together to Protect Crowded Places'* and *'Safer Places: a Counter-Terrorism Supplement'* were published for consultation on 20 April 2009. The consultation ran for 12 weeks and concluded on 10 July 2009. We invited comments on a number of areas and the full list of consultation questions is at Annex A. We received 103 responses, the majority from private and public sector organisations. The names of the organisations that commented are listed at Annex B. In addition to the written responses, we took the views of stakeholders via a series of regional consultation events held in Birmingham, Edinburgh, Leeds, London and Cardiff between April and June 2009.

We are very grateful for all the comments we received, which included suggestions for clarifying the guidance in a number of key areas. The majority of respondents thought that the Government's approach, through the introduction of a national framework, with its emphasis on identifying and describing the potential contributions key stakeholders could make, was the right one.

Chapter 1 Background to consultation

1.01 The Government is developing a long-term programme to prevent violent extremism and to stop people becoming terrorists, but this is not enough. We need to ensure that we have in place the right levels of counter-terrorism protective security so that if an attack does take place, the public are better protected in order to minimise loss of life or serious injury. We must learn from experience and gain a greater understanding about how attacks might be carried out and how we can work to mitigate their impact.

1.02 On 25 July 2007 the Prime Minister asked Lord West, Home Office Parliamentary Under-Secretary of State for Security and Counter-Terrorism to review how crowded places (and transport infrastructure and critical national infrastructure) might be better protected from terrorist attack.

1.03 The results of the review, which were announced by the Prime Minister in Parliament on 14 November 2007 (with further detail given in the Home Secretary's Written Ministerial Statement on the same date¹) showed that a substantial amount of work had been undertaken or was underway to increase levels of counter-terrorism protective security. It showed, however, that more was needed to turn available advice into action on the ground. The review highlighted the importance of engaging with a wide range of local partners, in particular local authorities and local businesses, to implement counter-terrorism protective security advice. It also highlighted the importance of incorporating counter-terrorism protective security measures into new buildings at the design stage.

1.04 The UK faces a significant threat from international terrorism and an attack could take place without warning. The current assessed threat level to the UK can be found on the MI5 website² where more

information can also be found on what threat levels mean, who decides the level of threat and how the threat level is used.

1.05 Crowded places remain an attractive target for international terrorists who have demonstrated that they are likely to target places which are easily accessible, regularly available and which offer the prospect for an impact beyond the loss of life alone (for example serious disruption, or a particular economic/political impact). The Government wants to ensure that the right levels of counter-terrorism protective security are in place that are proportionate to the risk so that if a terrorist attack does take place any loss of life or serious injury is minimised.

2.01 The crowded places consultation invited comments on 22 specific consultation questions (listed at Annex A). There were 103 responses: four from members of the public and the remainder from various organisations (listed at Annex B).

2.02 The Government has considered respondents comments carefully. This chapter sets out the themes raised by respondents on each of the main areas of the consultation in respect of both documents and explains how the Government intends to respond.

Scope of crowded places: the planning system and counter-terrorism

2.03 Since launching the consultation, the Department for Communities and Local Government (CLG) has reflected on the extent to which the document ‘*Safer Places: A Counter-Terrorism Supplement*’ issued for public consultation reflects the Government’s commitment to streamline planning policy and guidance (announced in the planning White Paper 2007). This commitment was reiterated in the Government’s response to the Killian Pretty Review on 5 March 2009 as part of a wider package of planning reform measures to improve the planning application process. It decided that the guidance aimed at local authority planners ‘*Crowded Places: The Planning System and Counter-Terrorism*’ should be limited to those elements of the original consultation document that were directly relevant to the role of local planning authorities.

2.04 The more detailed design and technical counter-terrorism guidance, which was contained in the latter part of the original consultation document will be published as a separate guidance document - ‘*Protecting Crowded Places: Design and Technical Issues*’, published by the Home Office, the National Counter-Terrorism Security Office (NaCTSO) and the

Centre for the Protection of National Infrastructure (CPNI). This advice will be useful for prospective applicants for planning permission to give them an idea of the sorts of measures that the local Counter-Terrorism Security Adviser (rather than the local planning authority) may recommend in higher risk crowded places³.

2.05 Some respondents questioned whether the guidance documents were applicable to the transport and education sectors.

2.06 Neither of the guidance documents apply to buildings within the transport sector. There will be occasions where some crowded places (e.g. shopping centres) are integral with either a transport building or hub. Transport Security Directorate (TRANSEC) in the Department for Transport can offer advice about specific requirements that apply to transport buildings⁴.

2.07 Within the education sector, the guidance documents are only aimed at the higher and further education elements of the sector. They do not apply to schools. It is important that schools take reasonable measures to keep pupils safe from threats to their well-being and schools already assess risks and incorporate effective but proportionate protective security measures. Schools are generally controlled environments, unlike universities and colleges where any member of the public can gain access to the campus. Schools would address potential counter-terrorism issues within their broader security and emergency planning work rather than as a discrete issue.

Devolved Administrations

2.08 CONTEST is a UK-wide strategy and counter-terrorism is a reserved matter. However, many of the local delivery mechanisms are devolved and delivery of the strategy requires close cooperation between the UK Government and the Devolved Administrations. The Devolved Administrations are represented on the CONTEST Board.

2.09 Representatives from the Devolved Administrations also participate at the crowded places Programme Board, which provides oversight and governance for the Crowded Places work programme. A number of respondents raised issues that were particular as to how the crowded places work would be delivered in each of the Devolved Administrations.

Scotland

2.10 Several respondents observed that the guidance documents provided detail about how work would be taken forward to reduce vulnerability in England and Wales but that similar detail had not been provided in respect of Scotland. A number of respondents also suggested other bodies that could be involved in the crowded places agenda, including community safety partnerships, Chambers of Commerce and Police Boards.

2.11 Scotland benefits from a well integrated delivery environment which will allow police Counter-Terrorism Security Advisers (CTSAs) to work towards reductions in vulnerability at a local level, whilst accessing national guidance and support where appropriate. CTSAs have already begun providing site owners and local partners with advice about how risk has been assessed and what reductions can be practically delivered. Guidance has been developed for use by CTSAs and other interested stakeholders. Local action to reduce the vulnerability of identified high and medium-high risk sites should follow in a number of cases. This will involve a partnership of site owner/operators, CTSAs and appropriate local partners. Where

progress proves difficult at the local level support will be available through national policing resources, the Scottish Government and (where necessary) through the involvement of the relevant Strategic Co-ordinating Group (regional groups involving police, fire, local authority and other local representation) to identify and drive progress where possible.

2.12 A number of Scottish respondents also commented favourably on the detailed practical advice contained in the original consultation document (*'Safer Places: A Counter-Terrorism Supplement'*) whilst acknowledging that it would not have any binding effect in Scotland. Scottish Ministers will consider whether their planning advice in relation to crowded places should be amended to incorporate aspects of the guidance contained in the finalised documents *'Crowded Places: The Planning System and Counter-Terrorism'* and *'Protecting Crowded Places: Design and Technical Issues'*.

Wales

2.13 Respondents agreed with the overall framework arrangements for Wales and the way in which Community Safety Partnerships will take the lead at the local level to deliver reductions in the vulnerabilities of crowded places. However, in respect of integrating counter-terrorism protective security measures into local planning, some Welsh respondents suggested that the Welsh Assembly Government should develop guidance similar to that for England.

2.14 The Welsh Assembly Government's strategic relationship with local planning authorities, the Welsh Local Government Association and other stakeholders allows good practice advice to be disseminated. Policy and advice on crime and disorder in relation to planning has already been issued in *'Planning Policy Wales'* which is updated by Ministerial Interim Planning Policy Statements and in Technical Advice Note 12 on 'Design'. The Welsh Assembly Government will consider issuing further

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advice in light of the documents *'Working Together to Protect Crowded Places'* and *'Crowded Places: The Planning System and Counter-Terrorism'*.

Northern Ireland

2.15 In Northern Ireland, the Northern Ireland Office chairs a local CONTEST group that looks at the delivery of CONTEST as a whole. A focused working group has been established to concentrate on crowded places.

2.16 One respondent commented that more should be said about the role of the working group. The *'Working Together to Protect Crowded Places'* guidance has been amended to reflect the group's role, including its responsibility for developing appropriate delivery structures and local partnership arrangements, given the differences in the framework and responsibilities of local government and other statutory agencies in Northern Ireland.

Delivering the biggest gains

2.17 In his review, Lord West recommended that individuals and businesses must be free to carry on normal social, economic and democratic activities and, as a result, there will always be some vulnerability to terrorist attack. Counter-terrorism protective security measures must be proportionate to the risk and the main purpose of the Government's strategic framework is to ensure that effort is directed to those areas where the counter-terrorism benefits will be the greatest.

2.18 The consultation sought views about whether the arrangements described in the consultation documents would result in proportionate action and planning decisions at the local level. Additionally, views were sought about whether the *'Safer Places'* consultation guidance adequately explained the threat and the importance of designing-in counter-terrorism protective security measures.

2.19 Respondents were split about whether the guidance would result in

proportionate action. Most felt the guidance would result in proportionate action and decisions but some said that the absence of compulsion in the Government's approach could result in counter-terrorism protective security measures being regarded as "nice to have" rather than "must have". Some respondents thought that the Government should move immediately to legislate to ensure that stakeholders prioritised this work, especially in view of the current economic climate where funding counter-terrorism protective security might not be a priority for organisations with limited funds. Some also said that delivering proportionality would be dependent upon a number of factors, including:

- the effective exchange of information between local partners;
- establishing a means by which local partners could challenge Counter-Terrorism Security Advisers (CTSAs) advice on planning applications where they considered the advice to be wrong; and
- making counter-terrorism protective security advice more easily accessible.

2.20 A number of respondents supported early engagement between businesses and the National Counter-Terrorism Security Office (NaCTSO) at the national rather than local level so that appropriate counter-terrorism protective security advice could be taken into account by developers when projects were at the concept stage rather than more fully developed.

2.21 In relation to whether the *'Safer Places'* consultation guidance adequately explained the threat, a number of respondents questioned whether the threat had been exaggerated and others thought the guidance disproportionately focused on Improvised Explosive Devices (IEDs) and Vehicle-Borne Improvised Explosive Devices (VBIEDs) and that more advice should be given about other threats and their design response principles.

2.22 It is important to the Government that local stakeholders are engaged to deliver improvements in the protective security of crowded places. But, at the same time, the Government recognises current economic pressures and does not want to create any unnecessary burdens for local partners.

2.23 The risk-based strategic framework set out in the *'Working Together to Protect Crowded Places'* document is designed to deliver an effective and proportionate response over the next few years to the serious and sustained threat to crowded places from terrorism. Actions to reduce identified vulnerabilities should be focused on those crowded places shown to be at higher risk and decisions on how to address this risk should be taken on the basis of minimising as far as possible any adverse effect on the ability of individuals and businesses to carry on normal social, economic and democratic activities. The Government accepts that this means there will always be some vulnerability to terrorist attack.

2.24 The Government will keep its approach under review to ensure that, where necessary, reductions in vulnerability are delivered over the next few years. If these improvements are not forthcoming, then the Government will review its position including whether legislation is necessary to enforce compliance where appropriate.

2.25 The Government response to issues about information sharing raised by respondents is dealt with in the section "Sharing information" (Paragraphs 2.38-2.41) below.

2.26 The *'Working Together to Protect Crowded Places'* guidance has been amended to show that where local partners wish to challenge CTSA advice about reducing vulnerabilities (including advice given in relation to development proposals which require planning permission) they should raise their concerns, in the first instance, with the Counter-Terrorism/Operational Commander of the relevant force.

2.27 In relation to counter-terrorism protective security advice, the National Counter-Terrorism Security Office produce and distribute comprehensive tailored guidance on counter-terrorism protective security for specific crowded places sectors. National guidance has already been produced for: bars/pubs and clubs, shopping centres, sports stadia, visitor attractions, cinemas and theatres, restaurants and hotels, the higher and further education sector, the health sector; commercial centres, major events and religious sites/places of worship⁵. Local CTSA's, who are police officers and staff located within local police forces, are responsible for providing specialist advice about counter-terrorism protective security measures to local organisations, both in the private and public sectors. CTSA's can be contacted through their local police force headquarters.

2.28 The Government welcomes the interest expressed by the business community in obtaining appropriate counter-terrorism protective security advice as early as possible in development projects. NaCTSO has confirmed its willingness to act as a central point of contact in relation to significant development projects which are dealt with by businesses' head offices and will ensure that appropriate advice is provided. In addition, NaCTSO is content to offer to provide training for relevant personnel in businesses' head offices involved in major development work so as to raise their awareness of counter-terrorism protective security issues and the *'Working Together to Protect Crowded Places'* guidance has been amended to reflect this.

2.29 The Government has not exaggerated the terrorist threat. The UK faces a significant threat from international terrorism and an attack could take place without warning. The threat level is regularly reviewed and re-assessed and the current assessed threat level to the UK can be found on the MI5 website⁶ where more information can also be found on what threat levels mean, who decides the level of threat and how the threat level system is

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used. The Government also publishes the National Risk Register which sets out an assessment of the likelihood and potential impact of the most significant emergencies, both malicious threats (including attacks on crowded places) and natural hazards, that may directly affect the UK over the next five years⁷. References to these have been included in the *'Working Together to Protect Crowded Places'* and *'Protecting Crowded Places: Design and Technical Issues'*. Additionally, the latter document (particularly in Chapter 2 – Terrorist Methodology) refers to threats other than improvised explosive devices (IEDs) including the possible use of chemical, biological or radiological materials.

Working in partnership effectively

2.30 The Lord West review highlighted that implementing counter-terrorism protective security measures and reducing the vulnerability of crowded places to terrorist attack was not just a job for the Government and the police alone: in order to be most effective the work required engagement from a range of local partners, including local authorities and businesses.

2.31 The consultation sought views on the Government's risk-based strategic framework and whether it was right to rely upon voluntary co operation between local stakeholders to deliver the work necessary to reduce the vulnerabilities of crowded places to terrorist attack. Views were also sought about whether the Government was right not to prescribe a "one size fits all" policy for determining the lead local partner for local areas and what more local partners could do to engage and communicate.

2.32 The majority of respondents supported the Government's risk-based strategic framework approach, stating that it would enable a consistent approach across the UK. Some respondents thought that reliance upon voluntary co operation should be kept under review to see whether it provided the necessary level of compliance in order to deliver reductions to the vulnerabilities of crowded places, particularly those at higher risk. Some

respondents thought it would also be important to ensure that effective local performance arrangements were in place for local authorities.

2.33 The majority of respondents agreed that the Government was right not to prescribe a "one size fits all" policy for determining the lead local partner for local areas. The majority of respondents agreed that local areas should retain the discretion to determine the best approach, bringing together either new local groupings of key stakeholders or using existing structures such as Crime and Disorder Reduction Partnerships and Local Resilience Forums. A number of respondents also suggested other bodies that could be involved in delivering the crowded places agenda, including Chambers of Commerce, Business Improvement Districts, Town Centre Managers and Emergency Planning Officers.

Government position

2.34 The Government welcomes the support given to its risk-based strategic framework and its policy of working through local stakeholders to reduce the vulnerability of crowded places. Reducing the vulnerabilities of crowded places, particularly those at higher risk, is not a job for the Government or police alone and more can only be achieved by better engaging local authorities, local partners and businesses to encourage them to implement counter-terrorism protective security advice. This also includes engaging LRFs and their members who have in place plans to respond to and recover from emergencies, including those related to crowded places.

2.35 However, the Government recognises the challenges that this work may pose, especially during current economic pressures, and does not want to create any new bureaucratic burdens for stakeholders. That is why it has advocated the use or adaptation of existing structures wherever possible to undertake this work. As some stakeholders have noted, it will be important to have effective local

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performance arrangements in place to give local authorities a structure within which to work. This is why the Government has included an indicator on ‘Protection against terrorist attack’ in the National Indicator Set (NI36). Although no data will be published, local authorities’ performance against this indicator will be assessed and performance management arrangements will be kept under review in order to ensure they are effective.

2.36 As mentioned in the previous section (‘Delivering the biggest gains’, paragraph 2.24) the Government will keep under review its approach of relying on voluntary cooperation to ensure it delivers reductions in the vulnerability of crowded places over the next few years. If improvements are not delivered, then the Government will review its approach, including whether a case has been made for legislating to enforce compliance.

2.37 The Government has developed guidance in the ‘*Working Together to Protect Crowded Places*’ document for use by stakeholders to explain the overall partnership arrangements without prescribing a “one size fits all” approach. This will involve a partnership of site owner/operators, the relevant local authority, police, CTSA and other appropriate local partners. The guidance has been amended to reflect the wider range of business organisations that respondents suggest local partners should communicate and liaise with.

Sharing information

2.38 The Lord West review recommended a local multi-agency approach to implement counter-terrorism protective security advice and deliver reductions in the vulnerability of crowded places. This can only be achieved if local stakeholders with a contribution to make have available the necessary information about crowded places and, in particular, the results of local risk assessments (which would be sensitive for both security and commercial confidentiality reasons).

2.39 The consultation sought views about how the results of site risk assessments could be shared with local partners whilst protecting sensitive information. The consultation also asked whether the ‘*Working Together to Protect Crowded Places*’ guidance was sufficiently clear about how local CTSA and local authorities should engage with local businesses to encourage them to deliver their contributions to reduce the vulnerabilities of crowded places, particularly those at higher risk.

2.40 The majority of respondents agreed that the overall approach for sharing information with local partners was right, but that it would benefit from some clarification. In particular, the following suggestions were made:

- develop clear guidance and protocols to explain the roles and responsibilities of local partners for sharing information;
- provide clear advice to local partners about security requirements, including provision of secure storage facilities and, where appropriate, security clearance and secure IT systems; and
- ensure a consistent approach from CTSA when briefing local partners.

2.41 In relation to how CTSA and local authorities should engage businesses, a range of suggestions were made including:

- CTSA to become statutory consultees for planning applications;
- develop stronger links with police Architectural Liaison Officers;
- recruiting CTSA from a wider pool, including people with a planning background;
- making CTSA advice mandatory;
- locating CTSA in the local authority planning departments;

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- CTSA training to include a commercial awareness module;
- greater promotion of counter-terrorism protective security advice and training; and
- using of a wider range of forums to engage business: e.g. Business Improvement Districts; Chambers of Commerce; and Town Centre Managers.

Government position

2.42 The Government agrees that it is vital that local stakeholders who have a contribution to make to reduce the vulnerability of crowded places should have available the necessary information, in particular the results of local site risk assessments, that will enable them to deliver appropriate and proportionate changes on the ground. But in sharing sensitive information on a “need to know basis”, the Government agrees that arrangements need to be put in place which will enable it to be appropriately protected.

2.43 Accordingly, the Government has revised the section relating to information sharing in the *‘Working Together to Protect Crowded Places’* (Chapter 3) to describe these arrangements. Guidance on security requirements for handling protectively marked material can be found in the Cabinet Office Security Policy Framework⁸ and CTSA will be able to provide further advice at the local level if necessary. These arrangements will be supported by instructions that the National Counter-Terrorism Security Office (NaCTSO) will issue to CTSA which will ensure a consistent approach will be taken by CTSA when sharing information with, and otherwise briefing, local partners.

2.44 As respondents have noted, it will also be important to ensure that there is consistency in the advice given and approach taken by CTSA. The National Counter-Terrorism Security Office (NaCTSO) coordinates, trains and tasks the network of local police CTSA throughout the UK.

NaCTSO does much to assure the quality of CTSA work, including delivering initial and refresher training and carrying out quality assurance inspections on an annual basis of work delivered by CTSA. The *‘Working Together to Protect Crowded Places’* guidance has been amended to reflect this.

2.45 The Government has also considered the range of suggestions made by respondents about how CTSA and local authorities should engage businesses. While the Government is not persuaded that a case has been made for CTSA to become statutory consultees for planning applications, it does agree that more should be done to develop stronger links between CTSA and police Architectural Liaison Officers (ALOs). This was something that the Lord West review recommended and NaCTSO has undertaken a range of work to improve ALO awareness of counter-terrorism, including: a Counter-Terrorism Awareness Event for ALOs and Crime Prevention Officers (CPOs) delivered throughout the UK; and input into CPO and ALO training courses to explain the roles of NaCTSO and CTSA.

2.46 It is for the police to consider whether they believe CTSA are best located in local authority planning departments and if so, to consult accordingly. NaCTSO advises that they are not currently persuaded because the wider responsibilities of a CTSA mean that they are better located in their local police force. The Government is not persuaded that a case has been made out to justify legislating to make it mandatory to implement CTSA advice (see paragraphs 2.24 and 2.36).

2.47 NaCTSO have developed its CTSA training module to ensure that it is relevant to CTSA day-to-day activities and this is why it includes a commercial awareness module, delivered by a business professional who has experience of a range of business sectors. The course also includes perspectives from several commercial managers. NaCTSO will continue to work with all stakeholders, including those from the business sector, to keep CTSA training up-to-date and relevant.

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2.48 The position about counter-terrorism protective security advice and training is set out in paragraphs 2.27 and 2.44 above. More generally, the Association of Chief Police Officers are looking to embed counter-terrorism protective security within day-to-day Basic Command Unit (BCU) policing activity. Local heads of police Basic Command Units are encouraged to develop closer links with local authority chief executives, recognising their role as key stakeholders in delivering action plans.

Incentivising improvements

2.49 The Lord West review also recommended that the funding for new counter-terrorism protective security measures should fall where the responsibility for those measures lies, and be based upon the “user pays” principle. This is a longstanding principle in counter-terrorism protective security and has been applied in, for example, parts of the Critical National Infrastructure where the public pays for security measures which protect the essential services they use. The consultation sought views about whether the Government was correct to adhere to this principle.

2.50 A majority of respondents thought that the “user pays” principle was the correct approach for funding new counter-terrorism protective security measures but a number questioned whether the approach was realistic given current economic pressures. Some respondents suggested that the principle could be supplemented with a variety of financial incentives, including: Government providing grant-funded or match-funded contributions to costs incurred by businesses; consideration of possible reductions/exemptions to Value Added Tax (VAT) incurred by developers when incorporating protective security measures; and consideration by insurers of reduced premiums for businesses which incorporated protective security measures.

Government position

2.51 Capital allowances are already available on expenditure incurred to make security improvements. For example, expenditure on alarm and CCTV systems already qualify.

2.52 From April 2008 businesses spending up to £50,000 on plant and machinery each year can benefit from 100% deduction for all such expenditure under the Annual Investment Allowance. Those businesses that spend more than £50,000 a year can, in 2009-10, benefit from the 40% First-Year Allowance and in other years can benefit from 20% Writing-Down Allowances. Therefore, a business that invests capital in these features of a new or existing building will be able to claim tax allowances for their expenditure⁹.

2.53 As far as VAT is concerned, VAT can normally be reclaimed when a business buys goods or services. Businesses should be able to reclaim VAT on their purchases regardless of whether the goods or services they sell are standard, reduced or zero-rated for VAT purposes, subject to the normal rules (for example this will not necessarily be the case where a business makes exempt supplies, or is engaged in non-business activities, or is not VAT registered). These rules would apply whether security features were being incorporated in a newly built property or as a process of refurbishment¹⁰.

2.54 In relation to the extent to which insurers may be able to provide financial incentives to developers to design-in counter-terrorism protective security measures into new builds, we have sought the views of the Association of British Insurers (ABI). The ABI advise that the insurer of the user of the building is seldom consulted by the developer at the design stage. Insurers would welcome greater consultation early in the building process so that they could recommend improved risk management features like sprinklers and fire resistant materials. However, the ABI have said that if it could be demonstrated that certain security features would definitely have an impact on property

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damage, either by preventing damage or by limiting damage and therefore reducing the number and cost of insurance claims, then this could be something considered by insurers in the future.

Designing counter-terrorism into the planning process

2.55 A key finding of the Lord West review was to make improvements to the planning process so that more is done to protect buildings from terrorism from the design stage onwards.

2.56 Considering counter-terrorism at the concept and design stages will enable counter-terrorism protective security measures to be incorporated into the overall design. As a result they should not be ugly or conspicuous and should be able to explore using suitable (blast resistant) materials. Counter-terrorism in design is also the most cost effective way to reduce opportunities for terrorists. Incorporating terrorist mitigation measures at the design stage of crowded places is far easier and cheaper than retro-fitting. The consultation sought views about whether the *'Safer Places: A Counter-Terrorism Supplement'* guidance adequately explained counter-terrorism and where it fitted within the planning system.

2.57 Some respondents were concerned that these measures could be expensive and were concerned that local planning authorities might be risk adverse. Respondents were also split about whether the *'Safer Places: A Counter-Terrorism Supplement'* guidance explained where counter-terrorism fitted within the planning system. Some respondents felt that the status of the document should be clearer, and that more case studies should be included. Others thought that the guidance concentrated too much on the planning system, commenting that not all work would go through the planning system. Respondents also commented that planning officers were not counter-terrorism experts and that CTSA's should work closely with planning authorities and designers to ensure that counter-terrorism protective security measures were included in

proposals for new developments. CTSA's should also work closely with Crime Prevention Officers.

Government position

2.58 Considering counter-terrorism at the concept and design stages will enable counter-terrorism protective security measures to be incorporated into the overall design of a development and as a result they should not be ugly or conspicuous. Incorporating counter-terrorism measures in designs at an early stage is also the most cost effective way to reduce opportunities for terrorists and is easier and cheaper than retro-fitting.

2.59 In response to concerns that these measures could be expensive and that local planning authorities might be risk adverse, we have redrafted the guidance in *'Crowded Places: The Planning System and Counter Terrorism'* to remind local planning authorities that counter-terrorism measures should be weighed in the balance with other material considerations and that measures should be proportionate to the risk.

2.60 There is also a strong overlap between protecting communities from terrorism and protecting communities from crime: good counter-terrorism protective security is good crime prevention. Strengthening a building or place by designing-in counter-terrorism protective security measures offers wider benefits, including business continuity benefits, in the event of a terrorist incident.

2.61 The Government recognises that not all development work will go through the planning system, and this is why it has developed the guidance contained in *'Protecting Crowded Places: Design and Technical Issues'*. The Government also recognises that planning officers are not counter-terrorism experts. This is why it has developed the strategic framework approach (explained in the *'Working Together to Protect Crowded Places'* guidance) and wants local partners to work together, sharing expertise where necessary, to reduce the vulnerability of

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crowded places. This includes CTSA working closely with planning authorities and designers to ensure that counter-terrorism protective security measures are considered in proposals for new developments. It is also important for CTSA to work closely with their local Crime Prevention Officers and NaCTSO have run a number of initiatives to increase the awareness of counter-terrorism work with Crime Prevention Officers, as well as Architectural Liaison Officers (ALOs), and this work is described in paragraph 2.45 of the “Sharing information” section (above).

Sharing good practice

2.62 The Lord West Review recognised that a substantial amount of work had already been undertaken or was underway to increase levels of protective security for crowded places, and that good practice in designing in counter-terrorism protective security measures should be shared between local partners.

2.63 The consultation document ‘*Safer Places: A Counter-Terrorism Supplement*’ contained an Annex (F) setting out case studies of recent developments that included the counter-terrorism design principles: better blast resistance; better building management facilities; better traffic management and hostile vehicle mitigation measures; and better oversight. The consultation sought views about whether the counter-terrorism design principles were comprehensive and helpful and whether the guidance clearly set out the range of technical counter-terrorism design measures available.

2.64 Respondents were split about whether the counter-terrorism design principles were comprehensive, with some saying that there was an over-reliance on the use of bollards and hostile vehicle mitigation measures. Some respondents asked for more case studies of developments that included counter-terrorism design principles.

Government position

2.65 Considering counter-terrorism at the concept and design stages will enable counter-terrorism measures to be incorporated into the overall design and will be more cost-effective and cheaper than retro-fitting.

2.66 Hostile vehicle mitigation measures do not have to rely solely on bollards and such measures can be built into innovative landscape architecture and strengthened versions of existing street furniture. The Centre for the Protection of National Infrastructure (CPNI) run free briefings and training courses for engineers, planners, architects, designers and clients. They are also developing new design guidance and materials for use by these stakeholders.

2.67 Most of the examples of case studies provided in the consultation document are examples where counter-terrorism protective security measures have been retro-fitted into the design of a building or development. It has proved difficult to give more examples of protective security measures as not all site owners wish to advertise the security measures of a particular site. The case studies can now be found in Annex C to ‘*Protecting Crowded Places: Design and Technical Issues*’.

2.68 NaCTSO have also developed two variants to the Project Argus programme of scenario-based training to raise awareness of counter-terrorism protective security with design and planning professionals: Argus Professional and Argus Planner. These initiatives target the built environment and planning audiences and aim to raise awareness of counter-terrorism protective security and to encourage their consideration at the concept/design stage. Local police CTSA will be able to advise when courses are being run.

2.69 The consultation sought additional information as to the costs and benefits of implementing the guidance and asked for comments on the approach taken in the Impact Assessment which was annexed to the main consultation document. Responses to these questions were intended to be used to improve the Government's assessment of the full impact on society – including both costs and benefits – of implementing the guidance.

2.70 Some respondents suggested a number of additional costs and benefits, including:

- increased costs due to changes to flow rates for larger entertainment venues;
- effects on customer confidence (which respondents noted could be considered as both a cost and a benefit, depending upon the circumstances and the detailed implementation of protective security measures);
- possible costs in terms of death or injury if emergency services access was affected;
- costs due to effects on environmental efficiency measures;
- opportunity costs in relation to use of land and land values;
- possible benefits from offsetting against insurance costs;
- costs in terms of normalisation of “invisible security”;
- possible specific costs to at-risk populations, if not properly consulted at design stages;
- possible opportunity costs caused by reductions in disability access; and

- possible costs to businesses from late-stage changes in advice owing to changes in threat.

2.71 Respondents did not suggest radically different options for analysis. However, some suggested a number of refinements to our originally proposed options, including:

- under Option 3 (use of planning framework for new builds) introduce consideration of counter-terrorism protective security measures as a formal requirement at a specific (early) stage of the planning process, which would increase take-up by reducing the chance that the cost of finance for introducing measures at later planning stages would be prohibitive;
- under Option 4 (legislation) make use of parallels with existing legislative frameworks (fire safety, licensing or Health and Safety were all mentioned). This would allow for development of light-touch regulation where appropriate, minimising the regulatory burden, and would also minimise the burden of adjusting to new legislation;
- under Option 4, introduce formal regulation for some aspects of protection of crowded places but not for others. This would allow for local control where it was most needed but impose a measure of consistency in some of the more important areas; and
- under Options 2-4, consider introducing some measure of financial incentive and/or compensation by (for example) zero-rating VAT on security materials/devices. This would increase take-up rates where relevant but may have some negative effects on markets.

2.72 Some respondents suggested that further analysis of the possible impacts of the guidance on the viability of developments in general and town centre developments in particular was necessary.

2.73 A number of respondents made reference to ensuring that the provisions in the Disability and Discrimination Act 2005

Chapter 2

were adhered to, and raised possible adverse impacts in a number of areas. In particular, access for disabled persons in relation to hostile vehicle mitigation measures (including height, visual and tonal contrast of bollards), other measures intended to deter, detect and delay a terrorism threat, and not including disabled people in the process of planning.

2.74 Another respondent stated that in relation to some of the “good practice” measures listed in Chapter 4 of *Working Together to Protect Crowded Places* practitioners should guard against the possibility of ethnic or racial profiling in the way in which certain measures were implemented.

Government position

2.75 None of the respondents provided detailed figures which allowed the Government to improve its estimates of specific costs and benefits. Where, however, the Government has been able to consider adopting the refinements suggested to the originally proposed options, the analysis has been adjusted to take them into account. In addition, the Government has carried out an analysis of the impact of this guidance on the viability of developments in general and town centres in particular and the conclusions have been incorporated into the main impact assessment.

2.76 In relation to the requirements of the Disability and Discrimination Act 2005, reference to these provisions is contained in paragraph 2.11 of the *Crowded Places: The Planning System and Counter-Terrorism* guidance and, as with other protective security measures, the needs of disabled people are most effectively considered at the concept and preliminary stages of the design process.

2.77 The guidance is clear that whilst applying counter-terrorism design principles will present challenges for designers and planners, solutions are achievable that also meet the needs of the disabled. Explicit reference has been made to the fact that each site is different and there is no “one size fits all” solution. Different sites present

unique challenges and considerations that will result in bespoke solutions.

2.78 Annex B of *Protecting Crowded Places: Design and Technical Issues* explains the need to consider provision for disability access when considering traffic management and hostile vehicle mitigation measures. It refers to Building Regulations (Part M - Access to and use of buildings) and if planned counter-terrorism protective security measures exclude or restrict vehicular access, the requirement for disabled parking and setting down points should be reviewed.

2.79 In relation to the good practice measures in Chapter 4 of *Working Together to Protect Crowded Places* and in Annex C in *Protecting Crowded Places: Design and Technical Issues*, it is not the intention that any measures should lead to ethnic or racial profiling. For example, the purpose of slowing a vehicle is to enable a check to be made that the driver is acting of his/her free will and not driving under duress; random searches are by their nature random and are recommended as a minimum approach. Where a stadium cannot implement a full search regime, researching the type of visitor and likely crowd behaviour at a particular event will allow the security staff to make appropriate security arrangements – for instance the needs for a sporting event will differ to those of a music festival.

2.80 The Government has responded to issues identified as a result of the Equality Impact Assessment (EIA) and this response is included as an addendum to the EIA.

3.01 This consultation has proved extremely valuable in helping to finalise the crowded places guidance documents. A number of drafting changes and improvements have been made and revised versions of the guidance documents – ‘*Working Together to Protect Crowded Places*’, ‘*Crowded Places: The Planning System and Counter-Terrorism*’ and ‘*Protecting Crowded Places: Design and Technical Issues*’ - have been published to coincide with the publication of this document.

3.02 Given the significant threat we face from international terrorism, the Government has two aims for its programme to reduce the vulnerability of crowded places. In the short-term, the Government wants to encourage greater partnership working at the local level to reduce the vulnerability of existing crowded places that have been assessed to be at high or medium-high risk of a terrorist attack. The contributions local partners are able to make are described in ‘*Working Together to Protect Crowded Places*’.

3.03 In the longer term, the Government wants to see developers, architects and designers responding positively to the challenge of considering “designing-in” counter-terrorism protective security measures into new buildings and developments at the earliest stage of the design process. This will be much more cost effective than retro-fitting such measures.

Annex A: Consultation questions

The specific consultation questions included in both *'Working Together to Protect Crowded Places'* and *'Safer Places: A Counter-Terrorism Supplement'* are listed below.

Working Together to Protect Crowded Places

Is the Government's approach, through the introduction of a national framework, with its emphasis on identifying and describing the potential contributions key stakeholders could make, the right one?

Is the Government right to rely on voluntary cooperation between key stakeholders and existing legislative arrangements (rather than considering new laws) to deliver the work necessary to reduce the vulnerabilities of crowded places to terrorist attacks?

Is the Government correct to adhere to the longstanding principle that funding for new protective security measures should fall where the responsibility lies, and should be based upon the 'user pays' principle?

The Government states that protective security responses need to be proportionate to the risk. Will the arrangements described in the document result in proportionate action on the ground?

Do you think the arrangements set out in the guidance make it clear how local Counter-Terrorism Security Advisers (CTSAs) and local authorities should engage with businesses in order to encourage them to deliver the contributions they can make to reduce the vulnerabilities of crowded places? If not, what changes would you suggest be made to these arrangements?

How should the results of the risk assessments be shared with local partners, whilst protecting sensitive information?

Is the Government's approach not to prescribe a "one size fits all" policy for determining the lead local partner the right one or should the Government prescribe an approach for local areas to take? If you think that the Government should prescribe an approach, what should that approach be?

Do other local bodies, other than those referred to in the document, exist to deliver or contribute to action required to reduce the vulnerability of crowded places to terrorist attack? If so, please state which.

At a more strategic level, what can Government Offices, the Devolved Administrations, Counter-Terrorism Security Advisers (CTSAs) local partners, businesses and local authorities do to engage and communicate better about protective security at a local level? Is there best practice that could be adapted?

Are there any other suggestions or comments you have in relation to this framework?

Safer Places: A Counter-Terrorism Supplement

Proportionality - Will this guidance enable counter-terrorism design to be delivered through planning decisions at the local level which are proportionate to the risk?

Does the content under Section 1 adequately set out the nature of the threat and why designing-in counter-terrorism measures are needed?

Annex A

Does this document provide sufficient information to persuade you of the importance to integrate counter-terrorism measures into new developments, including the public realm?

Does the guide adequately explain counter-terrorism and where it fits in the planning system?

Does the document adequately reflect that counter-terrorism is one of a number of issues considered within planning and that decisions often represent compromises between competing priorities?

Are the counter-terrorism design principles helpful and comprehensive?

What costs, if any, including staff and training costs, do you think would be incurred if you were to redesign your building to take account of the principles set out in the guidance?

Do you think there are likely to be additional construction costs for buildings designed in line with this guidance? If so, please state what those costs would be.

Annexes A and B - Do the annexes enable you to understand the range of technical counter-terrorism design measures that are available and might be needed to reduce the vulnerability to terrorist attack?

Case Studies Annex F - Do these provide sufficient inspiration to produce innovative counter-terrorism design solutions?

Case Studies Annex F - Are there any more good counter-terrorism design case studies that can be used from within the UK?

Are there any other comments you have in relation to this supplement?

Annex B: List of organisations that responded to the consultation

103 separate responses were received to the consultation, including four responses from members of the public. Written submissions were received from 99 organisations as follows.

Local authorities

Ayrshire Councils (amalgamated response from North, South and East)

Barnsley Metropolitan Borough Council

Basingstoke and Deane Borough Council

Blackpool Council

Bolton Council

Bristol City Council

Central Bedfordshire Council

Camden Council

Chelmsford Borough Council

Croydon Council

West Dorset District Council

Dudley Council

Durham Crime and Disorder Reduction Partnership

City of Edinburgh Council

Enfield Council

Hambleton District Council

Haringey Council

Harlow Council

Hounslow Council

Lambeth Council

North Lanarkshire Council

Northern Ireland Local Government Emergency Management Group

Leeds City Council

Leicester City Council

Lothian and Borders Emergency Planning Strategic Coordinating Group

Mayor of London

Manchester City Council

Milton Keynes Council

Northampton Borough Council

Plymouth City Council

Sheffield City Council

St Albans City and District Council

St Edmundsbury Borough Council

Staffordshire Moorlands District Council

Suffolk Joint Emergency Planning Unit

Sutton Council

North Tyneside Council

South Tyneside Council

Uttesford District Council

Annex B

North Yorkshire County Council

West Midlands Local Resilience Forum

West Lothian Council

Wycombe District Council

Police

Bedfordshire Police

Cambridgeshire Police

Devon and Cornwall Police

Derbyshire Police

East Midlands CT Intelligence Unit

Kent Police

Leicestershire Police

Lincolnshire Police

Metropolitan Police

Merseyside Police

Northamptonshire Police

North-East Regional Architectural Liaison Officer Group

Northern Constabulary

Nottinghamshire Police

South Yorkshire Police

Strathclyde Police

Thames Valley Police

East Midlands CT Intelligence Unit

Police authorities

Greater Manchester Police Authority

Fire and rescue service

Hampshire Fire and Rescue Service

Hertfordshire Fire and Rescue Service

Merseyside Fire and Rescue Service

Mid and West Wales Fire Service

North Yorkshire Fire and Rescue Service

West Yorkshire Fire and Rescue Service

Government

Government Office Network

NHS Counter Fraud/Security Management Service

Planning Inspectorate

Private sector

British Council of Shopping Centres

British Retail Consortium (including Crime Policy Executive)

British Telecom

Central Council of Physical Recreation

Chemical Business Association

Community Security Trust

Federation of Small Businesses

Fujitsu

Glass and Glazing Federation

John Lewis Partnership

Annex B

London First

The National Exhibition Centre

Society of British Aerospace Companies

Tesco

Professional bodies

Association of Events Venues Ltd

Association of Chief Police Officers in
Scotland

British Psychological Society

Local Government Association

Royal Institute of British Architects

Royal Town Planning Institute

Scottish Police Federation

Other

Audit Commission

Committee on the Administration of
Justice

Disabled Persons Transport Advisory
Council

Institute of Historic Building Conservation

Historic Scotland

Transport for London

University of Manchester

End notes

1. The Written Ministerial Statement can be found at:
www.publications.parliament.uk/pa/cm200708/cmhansrd/cm071114/wmstext/71114m0001.htm#07111429000008
2. www.mi5.gov.uk/output/threat-levels.html
3. See: www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/programmereplacement/ for further advice on the streamlining programme.
4. Contact details for TRANSEC officials can be found on the DfT website at:
www.dft.gov.uk/transportforyou/security/transportsecuritycontactdetails
5. See NaCTSO web site: www.nactso.gov.uk
6. www.mi5.gov.uk/output/threat-levels.html
7. More information can be found at:
www.cabinetoffice.gov.uk/reports/national_risk_register.aspx
8. www.cabinetoffice.gov.uk/spf/sp5_ps.aspx
9. See <http://www.hmrc.gov.uk/manuals/camanual/Index.htm>
10. <http://customs.hmrc.gov.uk>

Published by the Home Office, March 2010
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ISBN: 978-1-84987-149-5

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