

12<sup>th</sup> June 2026

Via email to [section12@sia.gov.uk](mailto:section12@sia.gov.uk)

## Institute of Licensing Consultation Response re Martyn's Law: draft section 12 statutory guidance

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK, including regulators (police and local authority), industry and private practice practitioners. Our areas of interest concern public regulatory licensing and related matters.

The IoL is grateful for the opportunity to comment on the draft guidance under Section 12 of the Terrorism (Protection of Premises) Act 2025 and would be happy to work with the SIA in finalising the guidance and in other areas to assist in the preparation of the Act ahead of implementation in 2027.

Our interest is in good regulation which delivers the intended outcomes with minimal burdens on both industry and regulators. As previously discussed with SIA representatives, we are well placed with access to unparalleled expertise and experience of existing premises regulatory regimes, and are able to assist in sharing information, considering further drafts of the developing guidance and generally assisting to ensure a successful implementation.

In addition, our members will have direct contact with most premises operators falling under the new requirements, and we will be able to disseminate information very widely through those networks. In addition, the IoL chairs stakeholder groups which involve industry associations for hospitality, entertainment and retail premises which will also assist in maximising the communications network.

We hope that our comments on the draft guidance are helpful to you and we would be happy to answer any queries you may have.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Sue Nelson'.

Sue Nelson  
Director of Policy & Stakeholders

# Consultation Questions

## Question 1 | Proposed regulatory approach

3%

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Do you agree with the proposed regulatory approach set out in section 1 of the draft guidance? \*

- Yes
- **Partly**
- No

Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 1.

*The IoL supports the tone of the guidance which indicates compliance through support and guidance, with enforcement as a last resort. However, the draft guidance fails to acknowledge that many premises and events will be subject to other legislative controls including, for example, those arising under the Licensing Act 2003 or the Gambling Act 2005.*

*We strongly recommend that the guidance acknowledges the existence of other legislative controls and expresses an intention to work collaboratively with other regulators to avoid unnecessary duplication, or worse, potential conflict with other regulatory requirements (which could lead to potential confusion and a serious failure to comply with either, or any).*

## Question 2 | Proposed approach to guidance and review

10%

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Do you agree with the proposed approach to guidance and review set out in section 3 of the draft guidance? \*

- Yes
- **Partly**
- No

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Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 3.

*As above, the guidance should demonstrate the SIA's understanding of other compliance regimes (including licensing, as above) and set out a collaborative approach to minimise burdens on all parties as well as avoiding confusion, duplication and/or contradiction.*

### Question 3 | Proposed approach to the use of information

17%

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Do you agree with the proposed approach to the use of information set out in section 4 of the draft guidance? \*

- Yes
- **Partly**
- No

Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 4.

*While this section of the guidance hints at working with 'other stakeholders' we would reiterate the fundamental need for collaboration and partnership working with licensing authorities. We consider that most 'enhanced tier' premises and events will be licensed for the sale of alcohol, the provision of entertainment and large sporting events, and will therefore already be subject to comprehensive licensing requirements.*

*Licensing laws on alcohol, entertainment and events vary with different legislation in England and Wales, Scotland and Northern Ireland as set out in the advisory guidance published by the IoL.*

## Question 4 | Proposed approach to the use of our information-gathering and inspection powers

24%

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Do you agree with the proposed approach to the use of our information-gathering and inspection powers set out in section 5 of the draft guidance? \*

- Yes
- **Partly**
- No

Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 5.

*This section underlines the need for collaboration. Licensing authorities (which have exercised this specific function since 2005 and so have acquired a significant degree of expertise and knowledge of premises within their jurisdictions) are in an excellent position to assist in ensuring that premises operators and event organisers are aware of the new requirements.*

*The IoL has previously offered its support in raising awareness and disseminating information to members across the UK including local authority officers, police, industry and licensing professionals.*

*We have previously highlighted with the SIA how the IoL can assist in establishing collaborative working through engagement with IoL regions and we would strongly recommend that SIA Inspectors are engaged at regional levels with IoL members. Informal discussions with both the SIA and Home Office officials have suggested that this would be a welcome initiative.*

*The provisions in the Act allow for the SIA to authorise persons to gather information, exercise entry and inspection powers and to apply for and execute a warrant. There is no requirement for inspectors to be directly employed by the SIA, just a provision that they must be considered by the SIA to be 'suitably qualified'.*

*In contrast, the guidance clearly states that compliance decisions can only be made by 'a member of the SIA's staff who is authorised as a decision-maker for such decisions under the SIA's scheme of delegation.'*

*Does this mean that the SIA might consider collaborating with licensing authorities to the extent that licensing officers may also be authorised to act as inspectors where they are deemed to be 'suitably qualified'? It would be useful to have some clarity around this as we are aware that many external stakeholders will be interested in being 'authorised inspectors'. There may be real benefit and cost savings to be derived from this type of arrangement with other regulators such as local authorities in particular.*

*If, on the other hand, it is to be the case that all 'authorised inspectors' will only be individuals directly employed by the SIA, it would be useful to make this clear within the guidance.*

## Question 5 | Proposed approach to compliance decisions and compliance action

31%

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Do you agree with the proposed approach to compliance decisions and compliance action in section 6 of the draft guidance? \*

- Yes
- Partly
- No

Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 6.

*Where inspections are of a routine nature, there would be significant benefit in organising the inspection in collaboration with licensing authorities and police who may also be undertaking routine compliance inspections (often referred to as multi-agency inspections). This serves to reduce duplication and unnecessary burden on licensed premises operators and event organisers and will be particularly appropriate in relation to large complex premises (such as Exhibition Halls, Arenas and festival sites).*

*Some reference to this sort of collaboration would be a useful addition for the guidance and would serve to reassure premises operators and event organisers that public bodies will be seeking to encourage joined-up arrangements, rather than working in isolation.*

*6.3 Decisions on compliance with requirements, includes the statement: 'Where the SIA considers that measures in place at enhanced tier premises or a qualifying event differ materially from measures that might reasonably be expected (for instance by reference to guidance issued by the Secretary of State or the SIA), the SIA may invite the responsible person to explain why they consider such measures to be inappropriate, or to be appropriate but not reasonably practicable, in the particular circumstances.'*

*This section would benefit from clearer wording. At present it is confusing. It should also include a requirement that the SIA explain why they consider the measures in place 'differ materially from measures which might reasonably be expected'.*

## Question 6 | Proposed approach to enforcement decisions and powers

38%

Do you agree with the proposed approach to enforcement decisions and powers in section 7 and Annexes A, B, C, D and E of the draft guidance? \*

- Yes
- **Partly**
- No

Please explain why. For example, if you answered 'partly' or 'no', what would you change? If you answered 'yes', why do you agree? Please also give us any comments on the drafting of section 7 and Annexes A, B, C, D and E.

*This is another opportunity to demonstrate a joined-up approach. It is essential that SIA inspectors liaise with licensing authorities concerning enforcement action relating to licensed premises. If the licensing objectives have been undermined there may be grounds for a review of the premises licence.*

*While the SIA are not currently designated as a 'Responsible Authority' under the Licensing Act 2003, this would not preclude SIA representatives from requesting a review as the legislative provisions allow for requests from 'Responsible Authorities or other persons'.*

*7.2 The guidance should clarify that what will be considered 'a reasonable period of time' will depend – amongst other criteria – upon the imminence and likelihood of a potential or possible act of terrorism.*

*7.4 Stage 5 It is indicated that 'Unless the Tribunal orders otherwise, a compliance notice or penalty notice is suspended until the appeal is resolved, but a restriction notice is not suspended.' Presumably the F-TT would only suspend a compliance notice or a penalty notice pending the outcome of an appeal by the recipient of the relevant notice if the SIA has suggested such an interim order in the notice itself (as occurs under Reg 3 The Statutory Nuisance (Appeals) Regulations 1990 in relation to abatement notices) or covering communication?*

*If that is correct then such a procedure should, perhaps, be indicated in the Guidance, as well as Annex A (under **Appealing against a compliance notice**).*

*Annex B – given that the Tribunal has power to order that in the particular circumstances, the order (or the variation to an existing order) should not have effect while the appeal is ongoing, it would be fair to include such information in the notice given to the recipient of the relevant notice (under **What a restriction notice contains** and **Appealing against a restriction notice**).*

*Annex C – the comment in relation to Annex A is repeated.*

*Annex D – given the novelty of the new regime it might be helpful if the SIA published (redacted or otherwise, as it considers appropriate in all the circumstances – which might include the risk of acts of terrorism and issues of data protection) a monthly Table of civil penalties issued so as to provide those potentially affected with an indication of a likely sanction for lower-level non-compliance.*

*Such a Table could include a basic indication of the factors that contributed to the calculation of the final sum.*

*Such Tables would be likely to attract some publicity in trade papers and maintain an interest in the new regime (such as might continue to be seen, for example, in the [publicity promoted in various forms and press releases by the Gambling Commission](#)).*

## About you | Your interest in the consultation

45%

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What is the main reason for your interest in the consultation? \*

- I am connected to one or more premises or events that may be affected by Martyn's Law
- My organisation represents premises or events that may be affected by Martyn's Law
- I am an adviser or supplier to premises or events that may be affected by Martyn's Law (for example as a consultant, supplier of protective security services or legal adviser)
- I work for a public body which has an interest in protective security and/or Martyn's Law (for example a local authority or regulator)
- I have a general interest in protective security and/or Martyn's Law
- I have a general interest in government and/or regulation

## About you | Premises or events affected by Martyn's Law

48%

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Please tick all of the uses that may apply to those venues or events.

- Aerodromes
- Bus stations, railway stations etc
- Childcare
- Entertainment and leisure activities
- Food and drink
- Halls and conference centres
- Healthcare
- Higher education
- Hotels, hostels and holiday parks
- Libraries, museums and galleries etc

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- Places of worship
- Primary, secondary and further education
- Shops etc (including showrooms and services providers)
- Sports grounds
- Use by public authorities
- Use for qualifying events
- Visitor attractions

## About you | Who do you represent?

52%

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Are you responding to this consultation on your own behalf, or on behalf of an organisation? \*

- I am answering on my own behalf
- I am answering on behalf of an organisation

## About you | Who do you represent?

55%

You do not need to answer this if you would prefer not to.

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What is the name of your organisation?

*The Institute of Licensing*