

Culture and Communities Committee

10.00am, Thursday, 3 October 2024

Hostile Vehicle Mitigation – Update report

Executive/routine
Wards

Routine
All

1. Recommendations

- 1.1 It is recommended that Culture and Communities Committee note this update on Hostile Vehicle Mitigation in Edinburgh.

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Hostile Vehicle Mitigation – Update Report

2. Executive Summary

- 2.1 Since the last update [report](#) to committee in 2021 and subsequent business bulletin in [2022](#), there have been three key areas which continue to be the focus of development:
- 2.1.1 Police Scotland security recommendations for crowded place events requiring temporary rated equipment deployments to mitigate against a hostile vehicle attack;
 - 2.1.2 Permanent vehicle security barrier installation as part of planned public realm works and the replacement of the National Barrier Asset; and
 - 2.1.3 The introduction of Martyn’s Law (Protect Duty) which the UK Government have pledged to support, which will have an impact on public spaces and therefore local authorities and businesses within scope of the legislation

3. Background

- 3.1 Following an increase of the national threat level from severe to critical, ([Threat Levels | MI5 - The Security Service](#)) as a result of a number of terrorist attacks across Europe, the National Barrier Asset (NBA) was installed in July 2017 at 6 locations around Edinburgh city centre.
- 3.2 These are intended to act as hostile vehicle mitigation (HVM) and deterrent measures principally for Edinburgh Fringe Festival and Royal Edinburgh Military Tattoo audiences; however, they are used for other events which are identified as a “crowded place”.
- 3.3 The six locations covered by the NBA are: Johnstone Terrace, Mound Place, Lawnmarket (Gladstones Land), Lawnmarket (High Court), St Giles Street and High Street/Cockburn Street.
- 3.4 An in-house temporary system was designed and manufactured by council officers and is retained and has been used successfully at many events since its first use in the summer of 2017. These are intended as a deterrent, rather than providing rated protection.

- 3.5 Recognising that permanent, rated systems are required, an officer working group has been looking at longer term solutions for Edinburgh and has met regularly since its inception in June 2018. The membership of the working group has continued to expand as the project has evolved and now includes officers from procurement and risk management.
- 3.6 In December 2021, the Council was advised that a change in policy meant that a rental charge for the NBA would be applied (of £14,546 per month, representing a 25% share of the overall cost, with an annual increase to be applied over the subsequent four years (from June 2022)).
- 3.7 In September 2022, a Memorandum of Understanding (MoU) was agreed. This ensured that the Council would not pay any rental costs. However, the liability for ongoing servicing and maintenance would be the responsibility of the Council and is met by the Council's revenue budget for Culture and Wellbeing. The MoU also confirmed that the NBA would no longer be required by 1 June 2027.
- 3.8 Since 2021, Police Scotland security recommendations have included the requirement for rated HVM and the Council has worked collaboratively to install temporary rated equipment for events (such as the summer and winter festivals, royal events, concerts and sporting events). This is in line with the recommendations and guidance associated with "Zone Ex" which is referred to within the Green Guide for Safety at Sports Grounds but is also best practice for all large-scale events. "Zone Ex" is the area outside the main event between the event perimeter and associated transport hubs which hosts people before and after the event, for which joint roles and responsibilities need to be established and agreed to ensure the safety of those attending the event.

4. Main report

Temporary rated equipment

- 4.1 To help meet the Council's joint responsibilities in Zone Ex, the Council has a framework agreement in place with a single service supplier, who provide rental of rated security solutions to meet the varied operational requirements of events.
- 4.2 The contract started on 1 March 2024 for a period of two years (with option to extend for a further two years). It has no fixed annual cost and is designed so that the Council only requests the services of the contractor when it is obligated to do so and therefore operates within the budget available at the time.
- 4.3 To enable the Council to meet their obligations but reduce ongoing costs, the purchase of rated equipment is proposed for later this year. This will enable the Council to introduce deployments to events which it has been unable to support before and will also enable event organisers to borrow the equipment (subject to meeting transport and training requirements).

Permanent installations

- 4.4 Currently no permanent installations are in place. This is mainly due to the time it takes to enable public realm works and also that funding is not currently available for this.
- 4.5 The following works have been completed or are planned as part of other activities:
- 4.5.1 Picardy Place (works concluded, but HVM still to be installed);
 - 4.5.2 Old Town Streets, including the replacement of one NBA location (works due to start in September 2024);
 - 4.5.3 NBA replacement on and around the Royal Mile;
 - 4.5.4 George Street redevelopment;
 - 4.5.5 King's Theatre redevelopment; and
 - 4.5.6 Meadows to George Street route development.
- 4.6 For future public realm works, a fact sheet for developers is being finalised relating to counter terrorism to ensure this is factored in to their processes and involves the relevant stakeholders.
- 4.7 Vehicle Dynamic Assessments have taken place and operational requirements are drafted for key areas of the city, including the NBA locations. Therefore, the Council will be able to narrow down the suitable equipment for each site and base any engagement and procurement processes on options which suit the needs of each location.

Martyn's Law – Terrorism (Protection of Premises) Bill

- 4.8 A [draft bill](#) setting out the UK Government's approach was published in May 2023. Following engagement and feedback, a [second round of consultation](#) was launched in February 2024 on the standard tier mentioned within the draft bill.
- 4.9 The proposed Bill would impose requirements in relation to certain premises and events to increase their preparedness for, and protection from, a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place at their premises. Currently there are requirements drafted for a standard tier (capacity of 100+) and enhanced tier (800+).
- 4.10 The proposed requirements would apply to those responsible for qualifying public premises and qualifying public events, including in publicly accessible locations. They might be individuals but, in most cases, would likely be a business or other organisation. If premises or an event did not meet certain prescribed qualifying conditions, then the proposed requirements would not apply to them. One of the conditions for premises could be that they be wholly or mainly used for a listed purpose, such as the provision of entertainment and leisure facilities to the public.
- 4.11 As the legislation has not been finalised, it is unknown what effect this will have on local authorities. It has been added to the Council's risk register to ensure it is monitored and appropriate actions are taken. However, the Council has a duty of

care to the public in the spaces it manages under the Occupiers' Liability (Scotland) Act 1960, and a duty of care to those other than its employees under section 3 of the Health and Safety at Work etc. Act 1974. Therefore, Council officers in collaboration with colleagues from Police Scotland will continue to assess the threat and risks within Edinburgh and put in place proportionate mitigations if required.

5. Next Steps

- 5.1 Officers will:
 - 5.1.1 Start engagement and procurement processes to replace the NBA, providing details back to Committee as the procurement progresses;
 - 5.1.2 Subject to the approval of a business case, start procurement to purchase a small amount of temporary and flexible rated equipment for use at events;
 - 5.1.3 Provide an update on Martyn's Law (Protect Duty) to Committee once the legislation has been finalised; and
 - 5.1.4 Provide an annual update on the progress on HVM to Committee (or at more regular intervals/project targets/milestones).

6. Financial impact

- 6.1 The financial impact of hostile vehicle mitigation is noted below and is being contained within the Council's available revenue allocation for Culture and Wellbeing or is met by event organisers as summarised below:
 - 6.1.1 The cost of the current framework agreement in 2024/25 is anticipated to be £79,218 (covering Taylor Swift concerts, Summer Festivals and Threat and Vulnerability Risk Assessments for sites);
 - 6.1.2 The cost of the Winter Festivals security measures is covered by the event contractor as part of the overall contract; and
 - 6.1.3 Maintenance of NBA costs £3,254.76 per annum (2024/25) which will continue until the NBA is removed. As part of the MoU, the Council is not liable for the cost of removal.
- 6.2 The cost of buying temporary/flexible rated equipment will be up to £47,321. It is expected that the cost of purchase will be incurred within a calendar year. This includes factoring in ongoing maintenance/storage costs of approximately £11,000 per annum with delivery/training costs being borne by the event organiser. Provision for the purchase has been made in the Council's capital funding allocation, with the maintenance cost being met by the Culture and Wellbeing revenue budget.
- 6.3 If the Council decides to proceed with a Visitor Levy for Edinburgh, it is anticipated that some of the future costs of HVM will be met from the Levy (including it is the future costs of security equipment to meet Martyn's Law requirements).

- 6.4 However, due to the deadline to replace the NBA falling in 2027, the requirement for ongoing prioritisation and project management of complicated public realm works, as well as the unknown impact of Martyn's Law, a project officer is required to ensure the Council meets its obligations. This cost will be met by the Council initially, but it is anticipated that this could be funded by the Visitor Levy (if approved).
- 6.5 The cost of replacing the NBA, subject to procurement process, is expected to be in the region of £1.5 million (£250,000 per site for equipment purchase and installation).

7. Equality and Poverty Impact

- 7.1 Any public realm installations will require an impact assessment to take place prior to works commencing to ensure that it meets the Council's statutory obligations. Accessibility is particularly important in this regard given the nature of these installations and the Edinburgh Street Design Guidance will be followed to ensure they are compliant.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 It is anticipated that, although there are no implications from this report, there will be an impact on individual public realm projects when installing permanent security measures. For Council public realm projects, these will be reported to Transport and Environment Committee as part of the project updates.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Council has a duty of care to the public in the spaces it manages under the Occupiers' Liability (Scotland) Act 1960, and a duty of care to those other than its employees under section 3 of the Health and Safety at Work etc. Act 1974. Therefore, it is important to continue to risk assess and apply due diligence to the activities that take place on its public spaces.

10. Background reading/external references

- 10.1 [Terrorism \(Protection of premises\) Draft Bill](#)
- 10.2 [A Visitor Levy for Edinburgh – Draft Scheme, Report to Policy and Sustainability Committee, 22 August 2024](#)

11. Appendices

None.