

OPUS2

Manchester Arena Inquiry

Day 35

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Thursday, 12 November 2020

1
2 (9.30 am)
3 (Delay in proceedings)
4 (9.42 am)
5 MR GREANEY: Good morning, sir. The gentleman in the
6 witness box is Shaun Hipgrave, and I'll begin by asking
7 that he be sworn, please.
8 MR SHAUN HIPGRAVE (affirmed)
9 SIR JOHN SAUNDERS: Mr Hipgrave, this is the second time
10 you have come. I'm very sorry you came the last time
11 and we couldn't deal with your evidence.
12 Mr Greaney, I'm also asked that the next witness
13 should watch, hear or be in the room for this evidence,
14 whichever...
15 (Pause)
16 Thank you very much. Otherwise it saves repetition
17 of things which one witness deals with to go over again.
18 MR GREANEY: It does, sir, and it is to be encouraged, we
19 quite agree.
20 SIR JOHN SAUNDERS: Unless anyone has any problem with that?
21 Thank you.
22 Questions from MR GREANEY
23 MR GREANEY: Mr Hipgrave, would you begin by telling us your
24 full name?
25 A. Shaun Andrew Hipgrave.

1

1 Q. Are you the director of Protect and Prepare in the
2 Office for Security and Counter-terrorism?
3 A. I am.
4 Q. So, The OSCT?
5 A. Yes.
6 Q. Does the OSCT form part of the Home Office?
7 A. It does, yes.
8 Q. Have you held that post since June 2019?
9 A. That's correct, yes.
10 Q. Prior to that, were you the head of the Joint Security
11 and Resilience Centre?
12 A. Yes.
13 Q. Is that known as JSaRC?
14 A. Yes.
15 Q. Which I think itself formed part of the OSCT?
16 A. That's correct, yes.
17 Q. And had you held that role for 2 years?
18 A. Yes.
19 Q. Is JSaRC a unit that was established to help the
20 government and private security sector suppliers to work
21 more closely together to achieve better security
22 outcomes?
23 A. It was, yes, and the private sector in its entirety,
24 yes.
25 Q. Can you give us an idea of the type of work therefore

2

1 that JSaRC did?
2 A. It would work with, in the crowded places example, with
3 solution providers to provide technologies and test
4 technologies that would make public places more secure,
5 screening technologies for going into events and arenas,
6 et cetera.
7 Q. As we're going to hear during your period as director of
8 Protect and Prepare at OSCT, you've been heavily
9 involved in dealing with what we used to call crowded
10 places or crowded spaces, now called publicly accessible
11 locations. When you were at JSaRC were you also
12 concerned with dealing with that kind of situation?
13 A. Parts of my work were, yes.
14 Q. Prior to joining the Home Office, were you first of all
15 a soldier for 10 years in the British Army?
16 A. Yes.
17 Q. Then a police officer for 13 years?
18 A. Yes.
19 Q. And then I think you spent 13 years in the private
20 sector working predominantly with law enforcement
21 agencies in the field of digital forensics?
22 A. That's correct, yes.
23 Q. I'm next going to ask you to deal with in overview the
24 UK's counter-terrorism strategy known as CONTEST.
25 Sir, if it's helpful I'm at paragraph 9 of the

3

1 updated witness statement of Mr Hipgrave.
2 In dealing with that general topic, we'll address,
3 first of all, the aims of and responsibility for
4 CONTEST. Is the United Kingdom's counter-terrorism
5 strategy known as CONTEST?
6 A. It is, yes.
7 Q. Does that set out how the government will seek to
8 continue to reduce the risk to the United Kingdom and
9 its citizens and interests overseas from terrorism?
10 A. It does, yes.
11 Q. Is CONTEST split into four strands?
12 A. It is, yes.
13 Q. What are those four strands, please?
14 A. Prevent, Pursue, Protect and Prepare.
15 Q. Is the purpose of Prevent and Pursue to reduce the
16 threats that we as a community face?
17 A. That's correct, yes.
18 Q. Is the purpose of Protect and Prepare to reduce our
19 vulnerabilities?
20 A. Protect to reduce our vulnerabilities, and Prepare in
21 response to an attack.
22 Q. Should we view those strands in isolation or in some
23 different way?
24 A. No, they are integrated as a system and whilst we treat
25 them in the policy function separately, at a system

4

1 level they all work together to overall reduce the
2 threat of terrorism.

3 Q. As you're aware and as the core participants are aware,
4 you are going to give your evidence in at least two
5 parts, and potentially more than two parts. Today
6 you're going to deal principally with the Protect strand
7 of CONTEST, and even more specifically with publicly
8 accessible locations.

9 A. Yes.

10 Q. Before we get to that, what I'd like you to do is please
11 explain in simple terms, or high-level terms, however
12 one wishes to put it, each of the four strands. So just
13 really in a few sentences, first of all, how would you
14 describe Prevent, please?

15 A. So Prevent is the area of CONTEST where we prevent
16 people from being radicalised and entering into
17 terrorism. We have a programme that has different
18 aspects to it that will prevent people from getting
19 involved in terrorism.

20 Q. So it's about the identification of those who are
21 vulnerable to radicalisation?

22 A. Yes.

23 Q. And even those who are in the process of radicalisation
24 and trying to prevent that happening or getting worse?

25 A. Yes.

5

1 Q. Next, in a few sentences, Pursue, please.

2 A. Pursue will work as a system with operational partners
3 who identify and investigate terrorism where it happens,
4 so it's essentially an investigation and intelligence
5 function.

6 Q. Would it include, for example, Counter-terrorism
7 Policing?

8 A. Yes.

9 Q. Next, in a few sentences, although you're going to deal
10 with the detail of at least some of this, Protect,
11 please.

12 A. Protect is where we can identify vulnerabilities in
13 certain areas, not just publicly accessible locations,
14 with people as well. It also has responsibility for
15 protecting VIPs and identifying those vulnerabilities
16 and mitigating against them.

17 Q. Although we're going to be dealing with publicly
18 accessible locations today, does addressing the threat
19 presented by the acquisition of precursor materials also
20 fall under the Protect strand?

21 A. It does, yes.

22 Q. Although we're going to invite you to deal with your
23 evidence about that in due course, probably in chapter 8
24 of the inquiry.

25 Then finally the Prepare strand of CONTEST, please,

6

1 in a few sentences.

2 A. So the Prepare strand is about preparing for a response
3 to a terrorist attack, and in my area it does include
4 the attack response from the emergency services to
5 a terrorist attack, the support for victims from
6 a terrorist attack as well, and counter-terrorism,
7 national counter-terrorism exercising in preparing how
8 to deal with a terrorist attack.

9 Q. I said you were only going to deal with Protect today,
10 but you are in fact going to help us with
11 counter-terrorism exercising as well because that is one
12 of the issues that has arisen in the course of the oral
13 evidence hearings so far, so we'll cover that as well,
14 albeit that will not take very long.

15 In relation to each of those four strands, does the
16 OSCT lead?

17 A. Yes.

18 Q. What does that mean, leading those strands?

19 A. We have a director-general for OSCT, who is not only the
20 system leader for OSCT but also the senior responsible
21 owner for counter-terrorism across the UK Government,
22 and we have a series of forums, strategic forums, where
23 we bring the system together to ensure that we have
24 a system response for counter-terrorism so that
25 we aren't being treated in our separate pillars, we are

7

1 working with our operational partners to ensure we have
2 a systematic approach to countering terrorism.

3 Q. So it's all about having an organised, systematic and
4 coordinated approach across government to
5 counter-terrorism?

6 A. Yes, and there are various meetings and forums that
7 allow that to happen and, flowing down from the top,
8 there's the National Security Council that the
9 Prime Minister chairs, right down to the National
10 Security Strategic and Implementation Group
11 Counter-terrorism, that DG OSCT chairs, and that flows
12 down to all the four P boards. So what you see is the
13 system leadership from the top is flowing down to policy
14 at the P board level.

15 Q. What I am going to do, in fact in a few moments, before
16 we get to Protect, is just to ask you to help us with
17 what the structure of government is in relation to
18 counter-terrorism.

19 Has the government coordinated counter-terrorism
20 strategy since 2003?

21 A. Sorry, I missed the beginning.

22 Q. I'm at paragraph 10 of your witness statement.

23 A. Right, okay. Yes, there have been several iterations
24 since it was first brought in as CONTEST.

25 Q. So CONTEST was first developed in 2003, is that correct?

8

1 A. Yes.
 2 Q. And there have been, as you've just said, further
 3 iterations published at different points in time, namely
 4 March 2009 and July 2011?
 5 A. Yes.
 6 Q. Have there been different iterations because it has been
 7 necessary for CONTEST to evolve in response to the
 8 changing threat picture?
 9 A. That's correct, yes.
 10 Q. And to reflect changes that the government has made in
 11 response to the lessons learned from various attacks
 12 that sadly have occurred?
 13 A. That's correct, but learning isn't always coming from
 14 attacks. I think an easier way to explain how we
 15 develop CONTEST is the changing threat picture as well,
 16 and if we, you know -- the public would know that back
 17 in 2000 there was an aviation threat predominantly where
 18 we were focusing. It's very different today and that's
 19 why policy and CONTEST is iterating all of the time.
 20 Q. So it's not just a question of reacting to an attack and
 21 what that demonstrates, it's about understanding what
 22 the threat picture is?
 23 A. Yes.
 24 Q. And presumably also drawing from the experience of other
 25 countries around the world?

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1 A. That's correct, yes.
 2 Q. Was a review of CONTEST announced on 4 June 2017
 3 following the terrorist attacks in London and
 4 Manchester?
 5 A. It was, yes.
 6 Q. As a result, has an updated version of CONTEST been
 7 published?
 8 A. Yes, CONTEST version 3, yes.
 9 Q. When was that published?
 10 A. That was published in June 2018.
 11 Q. In summary terms, how would you describe CONTEST 3?
 12 A. So it reflected on the lessons learned from 2017 and the
 13 threat picture. It created a more strategic vision
 14 around an integrated and systemised approach -- and this
 15 isn't just across government, this is working with
 16 industry and with the public to ensure that we are
 17 bringing all parts together to counter terrorism.
 18 Q. You began to tell us a moment ago about the structure of
 19 government in relation to counter-terrorism. I'm going
 20 to ask you to deal with that in just a little more
 21 detail.
 22 You were telling us at the top we have the National
 23 Security Council, the NSC?
 24 A. Yes.
 25 Q. What is the NSC, please?

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1 A. It's chaired by the Prime Minister and it oversees the
 2 CONTEST strategy on behalf of the government. It's the
 3 collective discussion of Prime Minister and senior
 4 ministers to deliver its objectives for national
 5 security.
 6 Q. Do the Home Secretary and Home Office have a particular
 7 role to play?
 8 A. The Home Secretary, as the minister for the
 9 Home Department, has the responsibility for countering
 10 terrorism overall, but she also has the oversight for
 11 MI5 as well.
 12 Q. As we're going to see, other secretaries of state also
 13 have responsibilities under CONTEST?
 14 A. That's correct, yes.
 15 Q. At official level, is counter-terrorism overseen by
 16 someone known as the senior responsible owner?
 17 A. Yes.
 18 Q. Or the SRO?
 19 A. Yes, that's correct.
 20 Q. Is that the director-general of OSCT in the Home Office?
 21 A. It is, yes.
 22 Q. Does OSCT lead on supporting the Home Secretary and the
 23 SRO in developing, coordinating and implementing
 24 CONTEST?
 25 A. Yes, that's correct.

11

1 Q. Does it also provide oversight of MI5 and
 2 Counter-terrorism Policing?
 3 A. Yes, that's correct.
 4 Q. And coordinate the response to counter-terrorism related
 5 crises?
 6 A. Yes.
 7 Q. Does the SRO chair a particular group that's of
 8 relevance to what we are considering?
 9 A. It's more acronyms, I am afraid, it's the National
 10 Security Strategic Implementation Group, NSSIG CT.
 11 Q. I should say that at pages 51 and 52 {INQ037080/51-52}
 12 of your updated witness statement, you've given us
 13 a list of the acronyms or initialisations that you'll be
 14 using.
 15 A. Yes.
 16 Q. So NSSIG. What is the purpose of NSSIG, please?
 17 A. NSSIG CT is accountable to the NSC as is the DG OSCT and
 18 it's the development and options for delivering CONTEST
 19 and implementing the strategy of countering terrorism.
 20 SIR JOHN SAUNDERS: Do you have to talk in these acronyms
 21 every day, all day?
 22 A. I'm afraid so, yes, sir.
 23 SIR JOHN SAUNDERS: I'm not criticising you.
 24 MR GREANEY: If I can make a suggestion: if you take
 25 pages 51 and 52 out of the statement, I have certainly

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1 found that helpful.
 2 SIR JOHN SAUNDERS: It really wasn't meant as a criticism at
 3 all. I'm sure it saves a huge amount of time that you
 4 can talk in an acronym rather than the long words.
 5 Thank you.
 6 MR GREANEY: That's NSSIG, and their role and
 7 responsibility.
 8 Does each of the four strands of CONTEST have its
 9 own governance coordinating activity and tracking
 10 relevant objectives?
 11 A. That's correct, so I chair the Protect and the Prepare
 12 boards. I am the SRO for Protect and Prepare.
 13 Q. I said that we'd deal with the roles and
 14 responsibilities of government departments, but in
 15 short, do many government departments and agencies
 16 contribute to delivering CONTEST?
 17 A. They do. It is a whole integrated government approach,
 18 so all the relevant departments sit on NSSIG, all of
 19 those various leads will also flow down to sit on all
 20 the four P boards as well.
 21 Q. So first, you have mentioned the Home Office already.
 22 Is one of the Home Office's strategic goals to reduce
 23 terrorism?
 24 A. That's correct, yes.
 25 Q. I'm at paragraph 19 of your witness statement if that's

13

1 helpful.
 2 Does that include strengthening protection against
 3 a terrorist attack by improving security and resilience
 4 across the UK's public spaces?
 5 A. It does, yes.
 6 Q. Across transport and infrastructure?
 7 A. Yes.
 8 Q. And does it involve also reducing illicit access to the
 9 materials needed for an attack, including at the border?
 10 A. That's correct, yes.
 11 Q. And mitigating the impact of a terrorist attack in order
 12 to save lives, reduce harm and aid recovery?
 13 A. That's correct, and just in that statement alone you can
 14 understand how we need the support of other government
 15 departments and our operational partners in being able
 16 to deliver that, because it's all relevant to an area of
 17 their work.
 18 Q. Does the Cabinet Office also have a role?
 19 A. It does yes.
 20 Q. What is that role, please?
 21 A. The Cabinet Office provides the Cabinet Contingency
 22 Services, which works with local authorities for
 23 a response to incidents or emergencies, and it also
 24 provides the National Security Council and the policy
 25 area for national security, which will support COBR, but

14

1 will also support all of the other departments for
 2 national security.
 3 Q. The way in which you put it in your statement, which
 4 I'll ask you to confirm, is that the Cabinet Office
 5 supports the work of the National Security Council,
 6 about which you have told us, through the National
 7 Security Secretariat or NSS, which also has oversight of
 8 the Single Intelligence Account?
 9 A. Yes.
 10 Q. You referred to COBR. Is COBR the Cabinet Office
 11 Briefing Rooms?
 12 A. That's correct, yes.
 13 Q. What role does COBR play?
 14 A. So it is the crisis management mechanism for government
 15 and in relation to terrorist attacks and other
 16 emergencies, it's managed by the CTS and it's where the
 17 Prime Minister or senior ministers or senior officials
 18 may meet to respond to a crisis.
 19 Q. Everyone in this room and indeed the public in general
 20 will have heard of COBR meetings. They are Central
 21 Government's crisis management mechanism for terrorist
 22 attacks and indeed other major emergencies?
 23 A. Yes.
 24 Q. Does the Department for Business, Energy and Industrial
 25 Strategy also have a role to play in CONTEST?

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1 A. Yes.
 2 Q. In summary, what is that role, please?
 3 A. So in Protect and Prepare it is the legal government
 4 department for energy, chemicals and civil and nuclear,
 5 and it will support the protection of those alongside
 6 myself as well. It is also the lead department for
 7 engagement with industry and business and it's important
 8 that we have a relationship with them to be able to
 9 communicate some of our security messages.
 10 Q. The Department of Education. We will have more to ask
 11 you about their role when you return, but in summary
 12 what is the role that the Department of Education has
 13 within CONTEST, please?
 14 A. It's to ensure that young people or people in education
 15 are protected from the risk of radicalisation.
 16 Q. One of the issues we'll be asking you to help us with
 17 when you return is what, for example, a university ought
 18 to do if a student suddenly drops out, but we'll get to
 19 that in due course.
 20 The Department of Health and Social Care, the DHSC,
 21 please.
 22 A. This includes maintaining and building our capability to
 23 respond to mass casualty incidents, not just terrorism
 24 but from chemical, biological, radiological and nuclear
 25 events as well, and also the implementation of Prevent

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1 within the NHS trusts as well. I would also add that
 2 all of these departments in some way or other have
 3 responsibility for publicly accessible locations,
 4 whether it be schools or hospitals.
 5 Q. I'll ask you therefore, given that all of these
 6 departments will have or may have their own
 7 infrastructure and may therefore have their own crowded
 8 places, how is that coordinated in terms of having
 9 a single strategy?
 10 A. It is coordinated through the NSSIG CT and through the
 11 Protect boards. So for messaging that I need to get out
 12 around CONTEST or delivery of the strategy, I will do it
 13 through the Protect boards, and we will have priority
 14 deliverables against all of the departments in relation
 15 to national security on Protect or Prepare for myself.
 16 But it's the same in all of the other strands as well.
 17 Q. The Department of Transport, their role, please,
 18 in relation to CONTEST?
 19 A. So that leads the UK on land, aviation and maritime
 20 security policy. Again, you will understand that the
 21 transport hubs are again another significant publicly
 22 accessible location, although some areas of transport
 23 security, such as aviation security, is heavily
 24 regulated already.
 25 Q. As you've said, there have been periods in our recent

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1 history when aviation has been a particular target or
 2 potential target for terrorists, and no doubt remains
 3 so.
 4 A. Correct.
 5 Q. Next, the Foreign and Commonwealth Development Office,
 6 the FCDO?
 7 A. It leads overseas support and international delivery on
 8 the protection of UK interests overseas and that
 9 includes all UK citizens, but very specifically an area
 10 that I work with is the protection of UK tourists
 11 overseas.
 12 Q. The Ministry for Housing, Communities and Local
 13 Government.
 14 A. That sets the overarching framework for local
 15 government. It's a key part of how we engage with the
 16 local authorities to try and deliver the CONTEST
 17 strategy into our communities.
 18 Q. The Ministry of Defence? That's self-evident.
 19 A. Yes.
 20 Q. And finally before we move on, the Ministry of Justice.
 21 A. The Ministry of Justice manages the UK prisons and the
 22 risks posed by terrorist offenders in prisons and when
 23 they are released, which is part of the CONTEST
 24 strategy.
 25 Q. Again, one of the issues that we're going to ask you to

18

1 help us with when you return is the extent to which
 2 it is important, and if important, the ways in which we
 3 achieve this, that terrorist prisoners do not have
 4 access to vulnerable individuals, open to
 5 radicalisation. But we'll get to that in due course.
 6 A. Yes. Although another witness will be providing that
 7 evidence.
 8 Q. Is that Mr Mott that you are referring to?
 9 A. Yes.
 10 Q. We'll ask you to help us with the overview and delve
 11 into the detail with him.
 12 SIR JOHN SAUNDERS: Presumably, from time to time, other
 13 ministries may be included or have some relationship to
 14 Prevent?
 15 A. Yes. So a good example is the Department of Culture,
 16 Media and Sport.
 17 SIR JOHN SAUNDERS: I was going to mention that one. They
 18 have responsibility for public entertainment
 19 licensing --
 20 A. That's correct.
 21 SIR JOHN SAUNDERS: -- and premises like the arena?
 22 A. That's correct.
 23 SIR JOHN SAUNDERS: So they can get involved in that way?
 24 A. Yes, and a good example of how we engage, and the
 25 importance that we have on -- the relationship with

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1 other departments is COVID. COVID is not terrorism --
 2 all of the advice through COVID we want to ensure that
 3 there's a security angle to that, especially when
 4 publicly accessible locations are changing as things are
 5 closing down and different places become more crowded.
 6 It's our engagement with those departments that are
 7 really important to ensure that the advice they put to
 8 their departments includes counter-terrorism advice.
 9 SIR JOHN SAUNDERS: So this is a selection of the most
 10 important ones or the ones you're most frequently
 11 relating to?
 12 A. Yes.
 13 SIR JOHN SAUNDERS: But there are others?
 14 A. Yes, that's correct.
 15 MR GREANEY: Indeed, we are going to deal, are we not,
 16 a little later in your evidence with the Licensing Act
 17 and the extent to which that is legislation which can
 18 deal with the crowded places issue? But we'll reach
 19 that in due course.
 20 I'm going to ask you next to turn ahead in your
 21 statement to page 16, paragraph 48, because we are now
 22 turning to deal with the Protect strand of CONTEST.
 23 We'll begin with an overview. What is the purpose of
 24 the Home Office's Protect work?
 25 A. To reduce the vulnerability to terrorist attacks.

20

1 Q. Does the Home Office aim to have what you've described
 2 as an effective multi-layered defence to protect against
 3 an attack?
 4 A. Yes, it does, yes.
 5 Q. Which includes reducing illicit access to materials
 6 needed for an attack?
 7 A. Yes.
 8 Q. Increasing the timeliness of suspicious transaction
 9 reports?
 10 A. That's correct, yes. That's in relation to precursors.
 11 Q. Which, as we have agreed, we'll get to in due course --
 12 A. Yes.
 13 Q. -- on the next occasion you give evidence.
 14 Protecting the UK's crowded places?
 15 A. That's correct, yes.
 16 Q. That's an important role of Protect; is that correct?
 17 A. Yes.
 18 Q. And protecting the UK's transport and infrastructure
 19 that are more attractive to attack?
 20 A. Correct.
 21 Q. And making full use of the Home Office's powers and
 22 capabilities at the border?
 23 A. That's correct, yes.
 24 Q. When you say in your statement:
 25 "Protecting the UK's crowded places, transport and

21

1 infrastructure that are more attractive to attack."
 2 What do you mean?
 3 A. There are -- we will talk about this later in publicly
 4 accessible locations, but there is an enduring threat
 5 around aviation security, around aviation. There is
 6 a threat on iconic locations and there are certain areas
 7 where there is an enduring threat and that's what I mean
 8 by that sentence, without going into too much detail.
 9 Q. I understand that we need to be most careful not to go
 10 into matters that are operationally sensitive or even
 11 more sensitive than that.
 12 At paragraph 49 of your statement you set out
 13 Protect's objectives. I'll read each out and ask you to
 14 confirm it. First:
 15 "To detect and deal with suspected terrorists and
 16 harmful materials at the border."
 17 A. Yes.
 18 Q. "To reduce the risk to and improve the resilience of
 19 global aviation, other transport sectors, and critical
 20 and national infrastructure most at risk to terror
 21 attacks."
 22 A. Correct.
 23 Q. And most relevant so far as your evidence today is
 24 concerned:
 25 "To reduce the vulnerability of crowded places,

22

1 specific vulnerable groups and high-profile
 2 individuals."
 3 A. Correct.
 4 Q. And:
 5 "To detect and prevent terrorist access to and use
 6 of materials of concern, knowledge and information that
 7 could be used to conduct attacks."
 8 A. That's right, yes.
 9 Q. Who is the SRO for Protect?
 10 A. I am.
 11 Q. In this regard what is the role of the OSCT?
 12 A. OSCT is responsible for overseeing the cross-government
 13 work that comes under the Protect strand of CONTEST and
 14 manages all the policy areas for Protect, as just
 15 detailed. So in my directorate there is policy teams
 16 that look at precursors, that look at the protection of
 17 VIPs, and look at Protect amongst crowded place, amongst
 18 other policy areas around hazardous substances, aviation
 19 security, and different areas of policy around Protect.
 20 Q. Does the OSCT have plans to change aspects of the work
 21 that Protect does?
 22 A. It does, yes.
 23 Q. So far as relevant today, is one of the changes that is
 24 intended to make to improve security at crowded places?
 25 A. That's correct, yes.

23

1 Q. Is it intended to do that, and we're going to get to the
 2 detail of this shortly, through closer, more effective
 3 working with a wider range of local authority and
 4 private sector responsible partners?
 5 A. Yes.
 6 Q. In summary at this stage, what does that mean?
 7 A. So we'll talk later about how we are going to effect
 8 that, but it's closer engagement with all of the
 9 relevant partners that have a role in publicly
 10 accessible locations. We're going to talk about that in
 11 a bit more detail later on.
 12 Q. Quite right. I'm going to ask you to turn to page 29 of
 13 your updated statement, paragraph 87, where you address
 14 the issue of crowded places.
 15 Does the OSCT have a crowded places work programme?
 16 A. Yes, it does.
 17 Q. What does that mean, work programme?
 18 A. So there's a crowded places policy team that is working
 19 with its partners, so on its own there is -- I'm sorry,
 20 chair -- something called the PSPSG, which is the
 21 Protective Security and Preparedness Steering Group,
 22 which works with its stakeholders to drive a programme
 23 of deliverables against protecting publicly accessible
 24 locations. I'm trying not to be very Civil
 25 Service-like, but I'm finding it quite difficult.

24

1 SIR JOHN SAUNDERS: Don't worry.
 2 MR GREANEY: I hope that what you've been saying has been
 3 clear so far. We are now getting to the most important
 4 part of your evidence and I'll do what I can to ensure
 5 that your evidence emerges with clarity.
 6 Is there a specific legislative definition of
 7 a crowded place?
 8 A. No.
 9 Q. But has the government at various stages published
 10 guidance on protecting such places?
 11 A. It has, yes.
 12 Q. Indeed, in March of 2010, did the government publish
 13 such guidance, outlining that crowded places were:
 14 "Locations frequented by the public, which are
 15 judged to be a possible terrorist target by virtue of
 16 their crowd density?"
 17 A. That's correct, yes.
 18 Q. The next year, in July 2011, were crowded places defined
 19 again by the government as:
 20 "... including shopping centres, sports stadia,
 21 bars, pubs and clubs which are easily accessible to the
 22 public and attractive to terrorists. They are owned and
 23 managed by private businesses or local authorities who
 24 are responsible for considering what steps should be
 25 taken to protect them based on advice available from the

25

1 government and the police?"
 2 A. Yes.
 3 Q. Since February of 2018, has a more inclusive definition
 4 of a crowded place been used within government and by
 5 government partners?
 6 A. It has, yes.
 7 Q. Does that read as follows:
 8 "A crowded place is a location or environment to
 9 which members of the public have access that may be
 10 considered more at risk from a terrorist attack by
 11 virtue of its crowd density or the nature of the site.
 12 Crowded places may include sports stadia, arenas,
 13 festivals and music venues, hotels and restaurants,
 14 pubs, clubs, bars and casinos, high streets, shopping
 15 centres and markets, visitor attractions, cinemas and
 16 theatres, schools and universities, hospitals and places
 17 of worship, commercial centres and transport hubs.
 18 Crowded places may also include events and public realm
 19 spaces such as parks and squares. In each case,
 20 a crowded place will not necessarily be crowded at all
 21 times. Crowd densities may vary and may be temporary,
 22 as in the case of sporting events or open-air
 23 festivals?"
 24 A. Yes.
 25 Q. So the feature of all of these locations is crowd

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1 density, which may vary?
 2 A. Yes.
 3 Q. And am I correct that one of the things that make this
 4 a difficult situation is that not all crowded places
 5 will be under the control of the state?
 6 A. That's correct, yes.
 7 Q. Some, indeed many, will be under the control of private
 8 individuals?
 9 A. That's right, yes.
 10 Q. And that is one of the things that makes this
 11 a challenging issue for government; am I correct?
 12 A. It does, yes.
 13 SIR JOHN SAUNDERS: And also if you bring in legislation at
 14 some stage, actually doing a definition of a crowded
 15 place is going to be quite tricky, or is this the
 16 proposed definition to go in legislation?
 17 A. It is not. You will see, as we go through, that we move
 18 away from trying to identify and list what is a crowded
 19 place, when it's a crowded place, who owns it, who has
 20 accountability. We're going to move away from that.
 21 MR GREANEY: We're going to see, as we move further on in
 22 your evidence and look at the government's reaction to
 23 the events of 2017 and the government's response to the
 24 proposed Martyn's Law, that there has been a move away
 25 from the idea of a crowded place and what you intend to

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1 use as a description in due course is "publicly
 2 accessible locations" --
 3 A. That's correct, yes.
 4 Q. -- or PALS. I read out a moment ago that very long, as
 5 you describe it, more inclusive definition used within
 6 government and its partners since February 2018.
 7 I won't read it out, but the Home Office has, you'll be
 8 able to confirm, found it useful to shorten that long
 9 definition in order to articulate clearly what's within
 10 its scope?
 11 A. That's correct. I think this really represents or
 12 reflects how challenging this area is. So for the
 13 policy team to identify what is a crowded place, to
 14 allow our operational partners to deliver on the
 15 protection of that or other government departments, they
 16 are looking for that kind of guidance. This is why it's
 17 always been so challenging, the definition has never
 18 been nailed down, it's been shortened, it's been
 19 lengthened, it's been made more inclusive, but it is
 20 a very challenging area to get accountability and
 21 guidance to be able to deliver on.
 22 Q. So you're going to be telling us about a public
 23 consultation that it's hoped, COVID permitting, to
 24 commence soon. Is this one of the issues upon which the
 25 Home Office will be consulting?

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1 A. That's correct, yes.
 2 Q. So how one decides to which particular locations the
 3 legislation that you intend to bring forward will apply?
 4 A. Yes.
 5 Q. We'll get to that in due course.
 6 From July 2012 — and, sir, I'm now at the top of
 7 page 31 — until 2018, did a group called the Crowded
 8 Places Working Group, or CPWG, oversee the development
 9 of strategy and associated programmes for crowded
 10 places?
 11 A. Yes, that's correct.
 12 Q. Was that a Home Office group?
 13 A. It was, yes, led by the policy — the Protect policy
 14 team.
 15 Q. Did that come under the auspices of the OSCT?
 16 A. Yes. So there's a deputy director for Protect and the
 17 CPWG would flow up into the Protect board.
 18 Q. Was that group chaired by the head of Protect and
 19 Prepare, OSCT?
 20 A. That's correct, yes.
 21 Q. Did it meet every 2 to 3 months?
 22 A. Yes.
 23 Q. So this was the group that was looking at crowded places
 24 at the time at which the Manchester attack occurred —
 25 A. That's correct.

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1 Q. — and indeed in the 5 years preceding that? Did that
 2 group operate by way of looking at specific locations or
 3 did it operate at a higher level?
 4 A. It operated at a more strategic level. Individual
 5 locations were the responsibility of our operational
 6 partners, namely Counter—terrorism Policing.
 7 Q. So you wouldn't be looking at individual locations.
 8 So — and this is an important distinction that we need
 9 to have in mind as we go forward — the role of that
 10 group and of the OSCT was strategic, and when it came to
 11 specific locations that would be the responsibility of
 12 the police?
 13 A. Yes, that's correct.
 14 Q. We're going to see a little bit with you, but with
 15 DAC D'Orsi later on today, that in 2017 the way in which
 16 that was delivered or one of the ways in which it was
 17 delivered was through the CTSA scheme?
 18 A. Correct, yes.
 19 Q. What is the role of the National Counter Terrorism
 20 Security Office — we do know this acronym, NaCTSO —
 21 in relation to crowded places?
 22 A. So it is the single point where counter—terrorism
 23 specialist advice can be provided.
 24 Q. Is NaCTSO responsible for the network of police TSAs?
 25 A. Yes, that's correct.

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1 Q. And responsible for developing specific guidance and
 2 delivering protective security advice?
 3 A. It is, yes, along with its partners as well, yes.
 4 Q. Is it the expectation of the OSCT that the — and was it
 5 the expectation of the OSCT in 2017 — that the police
 6 would liaise with private and public owners of sites and
 7 assets which might require protective security measures?
 8 A. Yes.
 9 Q. And that any issues concerning the nature, detail and
 10 scale of advice provided, the distribution of that
 11 advice and its effectiveness would be matters for the
 12 police, not OSCT?
 13 A. Yes, that's correct.
 14 Q. I've used a number of times now that term "protective
 15 security measures". Could you explain to us what that
 16 means, please?
 17 A. So there are not just NaCTSO but other parts of
 18 government at the Centre for the Protection of National
 19 Infrastructure that provides also guidance and also
 20 technology support on protective security measures. But
 21 between them, they provide advice around protective
 22 security measures such as hostile vehicle mitigations,
 23 barriers, bollards, screening, going through airports,
 24 protective security measures —
 25 Q. Searching?

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1 A. Yes, different techniques, processes and guidances.
 2 Anything from security guarding advice right up to
 3 physical protection is protective security.
 4 Q. I'm now at paragraph 95 of your witness statement. You
 5 identify at paragraphs 95 and 96 what your expectation
 6 is of the work that the police will do and we'll hear
 7 more about that from DAC D'Orsi. But we'll seek your
 8 views at this stage. You state:
 9 "The delivery of the Crowded Places Work Programme
 10 by Counter—terrorism Policing and other partners aims to
 11 provide stakeholders, including local authorities, site
 12 owners and operators, responsible for crowded places
 13 with high quality advice and guidance."
 14 Is that correct?
 15 A. That's correct, yes.
 16 Q. So that they are aware of all plausible terrorist
 17 threats?
 18 A. That's correct. As much as they are allowed to be, yes.
 19 Q. So in terms of the arena, your expectation in May 2017
 20 is that the owners and operators of the arena would be
 21 aware of all plausible terrorist threats?
 22 A. That's correct, and through the threat level, which is
 23 publicly published.
 24 Q. So that they can also know what steps to take to reduce
 25 vulnerability to and prepare for terrorist attack?

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1 A. Yes.
 2 Q. And so that they can develop action plans of mitigating
 3 activity ; is that correct?
 4 A. Yes, that's correct.
 5 Q. This is about the police engaging with the owners and
 6 operators of crowded places within their area?
 7 A. Yes, and within their remit and focus.
 8 Q. What do you mean by that?
 9 A. I think we're still talking about 2017?
 10 Q. We are, yes.
 11 A. So there is only a finite number of CTSA's, so they --
 12 and there are about 650,000 places.
 13 Q. I think we're going to hear, if not from you, from
 14 DAC D'Orsi, that there were at the time about 200 CTSA's.
 15 A. Right, yes.
 16 Q. So 200 CTSA's and how many crowded places did you say
 17 there were?
 18 A. Over 600,000, I think is the...
 19 Q. That sounds like a lot for 200 people to address.
 20 A. That's correct.
 21 Q. So what is the point that you're making? Is it that
 22 they need to prioritise , that they need to ignore some
 23 or deal with it in a different way?
 24 A. They need to prioritise , and at that time there was
 25 a tiering system for prioritisation .

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1 Q. Yes.
 2 SIR JOHN SAUNDERS: We need to remember, don't we, at all
 3 stages that CTSA advice is entirely voluntary from the
 4 recipient 's point of view? So if a CTSA says, "We would
 5 like to come and advise you about a terrorist threat",
 6 if the owner says, "Really sorry, I haven't got time for
 7 that", there's nothing they can do about it.
 8 A. That's correct. And also --
 9 SIR JOHN SAUNDERS: That is not a suggestion about the arena
 10 in any way, may I say, but it is , as a general principle
 11 which we are looking, is voluntary whether they have the
 12 advice or not.
 13 MR GREANEY: Absolutely, sir.
 14 SIR JOHN SAUNDERS: Sorry, I did cut across you, I just
 15 didn't want to be misunderstood in any way.
 16 A. It is voluntary. But I would like to make the point
 17 it is funded by government, that OSCT and the
 18 Home Office funds Counter--terrorism Policing, and the
 19 intention is it's always free. So CTSA's are free, the
 20 advice is free, the guidance from NaCTSO is free, but
 21 absolutely, it's voluntary to take --
 22 SIR JOHN SAUNDERS: There's no good reason for not taking
 23 it , I do understand, but nevertheless it is voluntary.
 24 A. Yes, sir .
 25 MR GREANEY: You'll entirely understand what the chairman is

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1 driving at, and as an inquiry we are concerned to see
 2 what recommendations may be made, and members of the
 3 public sitting and viewing these proceedings might
 4 regard it as unsatisfactory that in relation to
 5 something which is so important, namely keeping the
 6 public safe from terrorist attack in a crowded place,
 7 the advice given by the experts is entirely voluntary
 8 and the site can say yes or no.
 9 A. That's correct.
 10 Q. And that a site might be told by a CTSA, "There is a big
 11 problem here with this particular location and you ought
 12 to be doing something about it to protect the public",
 13 and the site might say, "I'm not going to do it", and
 14 that might be driven by commercial factors?
 15 A. That's correct. I think... I don't know, you'll have
 16 to ask Lucy D'Orsi, I don't know the occasions
 17 specifically where that has happened, but I must be
 18 clear that the public have a right to be protected
 19 wherever they go and they have an expectation that they
 20 will be protected. That's our role in government, to
 21 ensure that we achieve their expectations.
 22 Q. We are going to hear from DAC D'Orsi that there is
 23 a portion of those who are given advice who just don't
 24 take it for whatever reason, which I think we can
 25 probably agree is very far from ideal.

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1 A. Correct.
 2 Q. Paragraph 96. You identify that there is a range of
 3 work which is undertaken to realise those aims, which we
 4 described at paragraph 95.
 5 CTSA's based in all police regions provide bespoke
 6 advice to the responsible parties?
 7 A. Yes.
 8 Q. They provide advice to planners, designers and
 9 architects in considering protective security measures
 10 at significant new builds and refurbishments?
 11 A. Yes.
 12 Q. So it's not just about going to locations that already
 13 exist , but where new premises are being developed or
 14 refurbished , they advise those people as well?
 15 A. Yes.
 16 Q. The CTSA's provide targeted awareness and training events
 17 with crowded places staff and managers in order to
 18 explore ways to prevent, handle and recover from an
 19 attack and identify and respond to hostile
 20 reconnaissance?
 21 A. Yes.
 22 Q. You deal in identifying who is to provide that targeted
 23 awareness and those training events, both with CTSA's and
 24 CTAAs. We're very familiar with what CTSA's are; can you
 25 tell us what CTAAs are, please?

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1 A. Counter—terrorism awareness — no, I can't.
 2 SIR JOHN SAUNDERS: It is counter—terrorism awareness
 3 advisers. I've got the list here, so whenever there is
 4 one that you can't remember —
 5 MR GREANEY: What is the difference between a CTSA and
 6 a CTAA or are we better directing that question to
 7 DAC D'Orsi?
 8 A. Absolutely better directing it to DAC D'Orsi.
 9 Q. In terms of other work undertaken to achieve the
 10 policing aims, is there stakeholder engagement by the
 11 police through something called the Crowded Places
 12 Information Exchange and other groups to encourage
 13 senior and corporate level engagement to address
 14 terrorist threats?
 15 A. There are, and these are exchanges or forums that
 16 involve industry, solution providers, security
 17 companies, local authorities, where public messaging and
 18 advice and guidance is important and it's a way that
 19 CTAs can get the messaging to many rather than just
 20 one—to—one engagements.
 21 Q. You've mentioned advice and guidance and you'll be able
 22 to confirm that another way in which the police seek to
 23 achieve their aims is through the provision of both
 24 targeted and online advice from NaCTSO?
 25 A. That's correct, yes.

1 Q. And from the Centre for the Protection of National
 2 Infrastructure, which we know as CPNI?
 3 A. Yes.
 4 Q. And you'll be aware that such advice and guidance is
 5 regularly reviewed and updated?
 6 A. It is, yes.
 7 Q. So that deals with the role and responsibility of the
 8 OSCT and the role and responsibility of the police.
 9 Next, can we deal with the responsibility, by which
 10 I mean, I suppose, the ultimate or legal responsibility
 11 for crowded places. Ultimately, are they the
 12 responsibility of the owners, operators, organisers so
 13 far as events are concerned, and/or public authorities?
 14 A. That's correct, yes.
 15 Q. Does that present a challenge?
 16 A. It does because accountability is quite difficult to
 17 understand, especially in things like grey spaces, as
 18 we've heard, but I've watched all of this inquiry and
 19 some of the things that are coming out of this inquiry
 20 really illustrate the complexity of understanding who
 21 the owner or accountable person is for a certain area.
 22 Q. No doubt that is correct, but can you tell us what in
 23 particular you have in mind when you talk about the
 24 difficulties that the inquiry's evidence has
 25 illustrated?

1 A. So as we'll talk about going forward, the very premise
 2 of understanding — of protecting the public in
 3 accessible locations is someone needs to be responsible
 4 for that location, and identifying who that person is is
 5 going to be quite challenging. I have seen this through
 6 this inquiry.
 7 Q. Obviously we're principally concerned with the
 8 City Room, although no doubt the chairman will want to
 9 give guidance of a broader application. But so far as
 10 the City Room was concerned, on the evidence we have
 11 heard so far, it might be suggested that there is no
 12 doubt about who was responsible for security within the
 13 City Room, namely SMG under the facilities management
 14 agreement. Is what you're talking about, having been
 15 illustrated by the evidence, the difficulty that appears
 16 to have existed in relation to patrolling on the
 17 mezzanine or are you talking about something more
 18 general?
 19 A. So more general — I mean, it's obviously for the chair
 20 to ... for his recommendations on this particular case,
 21 but I'm just using this to highlight the general
 22 complexities of trying to find who is accountable for
 23 security and what we now know as grey spaces between
 24 ownership, responsible for security, responsible for the
 25 people, so I'm just not underestimating the complexities

1 of this going forward.
 2 Q. Is the point you're making, or a point you're making,
 3 just really to drill down to the events of 22 May, that
 4 someone should have been responsible for the safety and
 5 security of the people within the City Room?
 6 A. Yes.
 7 Q. And that person who had that responsibility should have
 8 known they had the responsibility?
 9 A. Yes.
 10 Q. We've touched on this already, and I'm now at the top of
 11 page 33 of your witness statement. Are all crowded
 12 places vulnerable to attack?
 13 A. Yes, although we are moving away from that definition of
 14 a crowded place.
 15 Q. But back in 2017 —
 16 A. Yes.
 17 Q. So, still using that definition, it would appear
 18 self-evident that all crowded places would be
 19 potentially vulnerable to attack to some extent?
 20 A. Yes.
 21 Q. But is it also self-evident that not all locations would
 22 be vulnerable to attack to the same extent?
 23 A. That's correct, yes.
 24 Q. So that some crowded places would be considered by an
 25 attacker to be more attractive than others?

1 A. That's right, yes.
 2 Q. As a result, back in 2017, were CTSA efforts prioritised
 3 at certain locations?
 4 A. They were, yes.
 5 Q. In particular were certain locations prioritised where
 6 they were thought to be the most attractive to
 7 attackers?
 8 A. Yes.
 9 Q. And moreover where it was thought there was the greatest
 10 opportunity to improve protective security?
 11 A. That's correct, yes.
 12 Q. At the time of the attack, was the Manchester Arena
 13 a prioritised crowded place?
 14 A. It was.
 15 Q. Whilst appreciating that you anticipate change, as we
 16 stand or sit here in this room, does the
 17 Manchester Arena remain a prioritised crowded place?
 18 A. Yes.
 19 Q. I'm going to turn next to actions since 2017 and the
 20 crowded places model. What did the 2017 attacks
 21 demonstrate?
 22 A. They demonstrated that a crowded place could be
 23 anywhere, so whilst we had been prioritising certain
 24 places, the bridge attacks identified that it wasn't
 25 necessarily the right area to focus on, just on

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1 prioritised places.
 2 Q. I suppose it might be said that not only did the 2017
 3 attacks, viewed overall, demonstrate that any crowded
 4 place might be attractive, the attacks also demonstrated
 5 that crowded places as an idea continued to be
 6 attractive targets for terrorists.
 7 A. That's correct. We have continued to see that since
 8 2017.
 9 Q. Indeed, you say, there's nothing sensitive about this,
 10 that plots that have been disrupted since 2017 and
 11 intelligence assessments that have been made indicate
 12 that crowded places will continue to be attractive
 13 targets for terrorists.
 14 A. That's correct.
 15 Q. In February of 2018, we're going to get another acronym
 16 I'm afraid, did something in particular happen?
 17 A. So the CPWG took over — was taken over to become the
 18 PSPSG, the Protective Security and Preparedness Steering
 19 Group, which included greater focus on crowded places
 20 and increased the attendees at that steering group to
 21 include more stakeholders, other government departments
 22 and operational partners.
 23 Q. We're going to look at other changes and proposed
 24 changes, but why was that change made in February 2018?
 25 A. Mainly because of the attacks on the bridges, which were

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1 thoroughfares or busy places or city centres, you know,
 2 places that weren't necessarily locations.
 3 Q. So the work of the PSPSG, now as you suggested, includes
 4 a greater focus on crowded public places?
 5 A. Yes.
 6 Q. It has a broader membership?
 7 A. It does, yes.
 8 Q. And it involves considerable consideration of the
 9 consistency of advice, guidance and mitigations
 10 implemented for temporary events?
 11 A. That's correct, yes.
 12 Q. Is membership made up of representatives of departments
 13 from across government?
 14 A. Yes, mainly the ones I've mentioned earlier.
 15 Q. And does it also include National CT Policing
 16 Headquarters and British Transport Police?
 17 A. Yes.
 18 Q. Does that organisation, the PSPSG, remain the
 19 responsible group to this day?
 20 A. It does, yes, it reports into DAC D'Orsi and myself.
 21 Q. Does it meet every 6 weeks?
 22 A. Yes.
 23 Q. And provide updates in writing every 6 months to both
 24 the OSCT, the Protect SRO, and the Deputy Assistant
 25 Commissioner Specialist Operations, DAC D'Orsi?

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1 A. Yes, although it did back then. Now, in the last year
 2 or 18 months, this has been overtaken in how it reports,
 3 but it still happens every 6 weeks.
 4 Q. The chairman is aware of the Westminster Bridge and
 5 London Bridge Inquests and the PFD that followed on from
 6 the inquests. Did you play any part in a response to
 7 the inquests?
 8 SIR JOHN SAUNDERS: I think we will need to know what PFD is
 9 otherwise people listening to his may not know.
 10 A. A prevention of future deaths report.
 11 SIR JOHN SAUNDERS: It's a report by the coroner.
 12 A. At the time I wasn't in this role.
 13 MR GREANEY: Your predecessor?
 14 A. Yes.
 15 Q. What part did he play in the PFD report?
 16 A. In the response to the recommendations, but it was more
 17 or less the same policy team on crowded places then and
 18 they're still in place now.
 19 Q. The way in which you put it at paragraph 105 of your
 20 statement is:
 21 "The Westminster Bridge and London Bridge PFD
 22 responses..."
 23 Do you mean the responses of the OSCT?
 24 A. Yes.
 25 Q. "... set out the ongoing consideration regarding the

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1 audiences and stakeholders to whom advice, guidance and
 2 communications are provided and targeted, the
 3 effectiveness of messages, in particular that it leads
 4 to a meaningful learning or activity , and how and where
 5 we can most efficiently focus our efforts from
 6 a strategic point of view.”
 7 Is that correct?
 8 A. That’s correct, yes.
 9 Q. And you add:
 10 “Changes to both the advice and the way it is
 11 disseminated include the following: first ,
 12 Counter—terrorism Policing initiated a programme of
 13 sectoral and regional locations engagement days.”
 14 A. That’s correct .
 15 Q. What did those involve so far as you understood?
 16 A. Again this is coming back to a focus on trying to
 17 provide advice and guidance to many rather than the
 18 one—to—one engagements with locations. So they would
 19 bring in many members of business community, owners of
 20 locations where the public have access, and provide
 21 input around the latest threat and guidance on
 22 protective security .
 23 Q. So are these all — we’re going to look at other
 24 changes — changes which have been implemented since
 25 early 2019?

1 A. Yes, that’s correct .
 2 Q. Are there also, since the PFD report from the inquests,
 3 new and revised training and awareness products for
 4 managers, front of house and other staff at crowded
 5 places delivered through bespoke sessions by CTSA’s?
 6 A. That’s correct, yes.
 7 Q. And e—learning awareness training programme covering
 8 spotting signs of suspicious behaviour and what to do if
 9 an attack takes place. And that’s been broadened so
 10 it’s freely available to at all ?
 11 A. Yes, it’s called ACT e—learning now.
 12 Q. And significant new advice and guidance continues to be
 13 provided by Counter—terrorism Policing and CPNI; is that
 14 correct?
 15 A. Yes, that’s correct . Again, the advice is constantly
 16 changing dependent on the threat.
 17 Q. In the light of the London Bridge PFD report did the
 18 government recognise something in particular?
 19 A. Yes. They recognised and committed to a refresh of the
 20 crowded places model and reviewing it.
 21 Q. I think it’d be fair to say the government recognised
 22 that more could be done to protect the public in crowded
 23 places?
 24 A. Yes.
 25 Q. And as you and government have put it, they committed to

1 a complete refresh of the crowded places model?
 2 A. Yes.
 3 Q. Did that include reviewing whether it would be
 4 appropriate and proportionate for more to be achieved
 5 through a legislative approach?
 6 A. It did, yes.
 7 Q. Was it in the summer of 2019 that the government
 8 initiated the refresh of the crowded places and spaces
 9 strategy?
 10 A. That’s right, yes.
 11 Q. Was that done in order to consider the effectiveness of
 12 the approach that had been adopted until that point?
 13 A. That’s correct, yes.
 14 Q. Where further improvements could be delivered across
 15 government, the police and other stakeholders?
 16 A. Yes.
 17 Q. The way in which you put it in your statement at
 18 paragraph 107 is:
 19 “This refresh was initiated because it was
 20 recognised in the wake of the learning from the 2017
 21 attacks and the changing nature of the terrorist threat
 22 that the 2014 crowded places model needed to be updated
 23 to better reflect the terrorist threat now faced.”
 24 A. Yes.
 25 Q. “A threat which was less focused on individual iconic

1 sites and more on targeting people, whether randomly or
 2 as representatives of specific groups, as they went
 3 about their daily lives .”
 4 A. Yes.
 5 Q. Who has overseen the refresh?
 6 A. Director—general OSCT has chaired that refresh, those
 7 refresh meetings.
 8 Q. Has the refresh drawn on a range of evidential sources?
 9 A. Yes, such as threat assessments, data from NaCTSO and
 10 CPNI, obviously the guidance and recommendations from
 11 the prevention of future deaths reports and also surveys
 12 of industry and owners of crowded places.
 13 Q. Has the refresh reached a conclusion?
 14 A. Yes.
 15 Q. What is that conclusion, please?
 16 A. So it is better to reflect the threat against people
 17 wherever they are rather than against specific locations
 18 and shift the focus of protecting people wherever they
 19 are.
 20 Q. As you’ve put it in your statement, paragraph 109:
 21 “To shift the focus from protecting specific crowded
 22 places or individual sites , to improve the safety of the
 23 public at all publicly accessible locations .”
 24 A. Yes.
 25 Q. What does that conclusion reflect?

1 A. It then reflects that there is a significant broader
 2 range of areas and locations that may be targeted.
 3 Q. Going forward, how is it proposed to approach the issue?
 4 A. It is proposed to provide a proportionate implementation
 5 of protective security and preparedness in all
 6 locations, in all areas where the public have access.
 7 Q. This is the term that we've used now a number of
 8 times: publicly accessible locations or PALs?
 9 A. That's correct.
 10 Q. Is it intended to do that through a variety of different
 11 engagement methods?
 12 A. It is, yes.
 13 Q. Does the OSCT, and indeed the government more generally,
 14 intend that that term, publicly accessible locations,
 15 should replace the term "crowded places"?
 16 A. That's correct, yes.
 17 Q. Is it intended to build on the evolution of the current
 18 system?
 19 A. Yes.
 20 Q. How?
 21 A. So we have split publicly accessible locations into four
 22 distinct areas. Shall I ...
 23 Q. We'll take this slowly because we're now getting, aren't
 24 we, to the main issue you're here to help us with --
 25 A. Yes.

1 Q. -- namely what is going to change?
 2 A. Yes.
 3 Q. So what are the four different areas into which you are
 4 going to split publicly accessible locations?
 5 A. Sectors. For example, health, education, retail and
 6 leisure as a sector.
 7 Groups such as faith groups, LGBT+ communities,
 8 different types of groups.
 9 Zones such as public spaces, aggregated areas,
 10 towns, villages, what we here are calling the grey
 11 space.
 12 And sites, which are the individual sites that
 13 previously --
 14 Q. The iconic sites?
 15 A. Yes, the iconic sites, similar to Manchester Arena as
 16 well, as a site that has 1 million paying customers
 17 coming through it every year.
 18 Q. What is the purpose of dividing up the assessment into
 19 those four different categories? What is it thought
 20 that will achieve that has not previously been achieved
 21 or sufficiently achieved?
 22 A. It will ensure that there are no gaps where there are
 23 areas where the public have access, that someone can
 24 say, "I wasn't accountable". Someone is accountable in
 25 all of those areas -- and by accountable, I mean

1 accountable for the security of the public in those
 2 locations.
 3 Q. How will that -- and we're going to come to proposed
 4 legislation in a moment. How do you intend that will
 5 look on the ground? How will the identification of
 6 those categories ensure that everyone in those
 7 categories knows that they have the responsibility for
 8 security?
 9 A. This will be part of the consideration in the
 10 legislation, but what we expect is that if anyone is
 11 leaving their home, which isn't a publicly accessible
 12 location, and walking along the street, dropping
 13 children off at nursery, going to the shops, going to
 14 the cinema, the public wouldn't know it, but at all
 15 times someone is accountable for their protection
 16 because they are in a publicly accessible location.
 17 It's because we moved from local authority owned to
 18 a sector, as in retail, into a shop or into an arena,
 19 you're moving from one area to another and traditionally
 20 it's been quite difficult to understand the handover.
 21 Q. So whenever one is out of one's home and in a publicly
 22 accessible location, someone will be accountable for
 23 that person's safety and security?
 24 A. Yes.
 25 Q. Presumably, not only should someone be accountable, they

1 should know that they're accountable?
 2 A. That's correct.
 3 Q. And I do appreciate that there is a process of
 4 consultation to be undergone, but how do you imagine
 5 that person should know that they are accountable? How
 6 is that to be achieved?
 7 A. There will be significant public communication work
 8 around that, there will be legislation that will involve
 9 that, but this is under consideration, this is ... And
 10 this inquiry has been revealing some of the real
 11 challenges about identifying accountability. This is
 12 where it's tremendously helpful that we get the help
 13 from this inquiry to understand where the thresholds,
 14 the proportionality and the accountability will all sit
 15 in the future legislation, amongst many other areas of
 16 challenge --
 17 SIR JOHN SAUNDERS: That's quite a challenge.
 18 MR GREANEY: Let's look at legislation. This approach that
 19 you've told us about of identifying four categories --
 20 is that the right way of putting it, to describe them as
 21 four categories?
 22 A. Yes.
 23 Q. This approach of identifying four categories and making
 24 sure that someone is always accountable, is that
 25 approach to be underpinned by the introduction of new

1 primary legislation ?
 2 A. Yes, that's ministerial intention .
 3 Q. And also an enhanced communications strategy to improve
 4 public awareness of the threat and the actions they can
 5 take?
 6 A. That's correct .
 7 Q. Tailored training and resources for key sectors, groups
 8 and localities ?
 9 A. Yes.
 10 Q. And improved digital tools and capabilities ?
 11 A. Yes.
 12 Q. Is it intended that a new online platform, the
 13 information-sharing platform, will provide a freely
 14 available digital service that allows organisations with
 15 counter-terrorism responsibilities to access the
 16 material, advice and training they need?
 17 A. Yes, and the absolute driver, the engine of delivering
 18 this mindset change around protecting the public from
 19 terrorist attacks will require significant
 20 communication, and the information-sharing platform is
 21 a significant investment, actually invested in
 22 partnership with the insurance sector through the
 23 terrorism reinsurer, Pool Re. It's a platform that will
 24 allow free advice to every aspect of protecting places
 25 from terrorism. So to the public, to the small and

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1 medium enterprise, to the small café owner, to local
 2 authorities, to larger sites and zones, places like the
 3 arena.
 4 It will be the front door of all the key free advice
 5 and support, including training and guidance and
 6 technology, to be able to deliver this, to make
 7 a significant mindset change, to stop the consideration
 8 that, "Yes, there's a terrorist threat but it won't
 9 happen to me", to become, "There's a terrorist threat,
 10 I must do something about that", is a really important
 11 part of that.
 12 SIR JOHN SAUNDERS: That's always there and that's always
 13 a problem.
 14 A. Yes.
 15 SIR JOHN SAUNDERS: I am not quite sure how that links in to
 16 what you're saying about the legislative change.
 17 You have been trying for a very long time to persuade
 18 people all round the country of the terrorist threat and
 19 of course everyone thinks, "It'll never happen to me",
 20 and you have to convince them somehow that it might
 21 happen to them and they have to do something about it.
 22 A. Yes.
 23 SIR JOHN SAUNDERS: What does that have to do with this
 24 change?
 25 A. With the Protect duty, with the legislation change, the

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1 responsibility will sit with those accountable for the
 2 publicly accessible location to do something about it
 3 against a terrorist threat. In being able to deliver
 4 free advice, guidance, having an easy-to-access portal
 5 to get to, it's critical that we use that as our
 6 communications platform to support people in
 7 a proportionate way, sir. So the ambition is not to
 8 create something that is onerous and a burden on people,
 9 but to be proportionate, free and applicable, whatever
 10 size of location, zone, site, sector or faith .
 11 MR GREANEY: We're going to look at this when we come to the
 12 legislation, but you're making very much the same point
 13 that Figen Murray made earlier this week when she gave
 14 her evidence, that for some locations and big locations,
 15 changing the law might require something substantial to
 16 be done, but at many other locations it will require
 17 very little to be done and something to be done that
 18 will have a low or no cost.
 19 A. Yes.
 20 Q. And it's about being proportionate?
 21 SIR JOHN SAUNDERS: I know proportionate is now the buzzword
 22 in any form of legislation, but actually it's quite
 23 difficult in terrorism .
 24 A. Yes.
 25 SIR JOHN SAUNDERS: So the proportion between what you have

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1 to spend on your premises or on whatever you're doing in
 2 order to prevent what may be a fairly remote risk of one
 3 life going, it's a problem which governments have to
 4 contend with all the time and it's very difficult to see
 5 that in proportionate terms at all .
 6 It is not the only area you're having to consider,
 7 it applies in privacy considerations as well, all those
 8 sort of things. Is there an answer to that?
 9 A. It is a challenge, but I would reflect, during the
 10 coronavirus, when -- I won't say company names, but
 11 a retailer was talking about employing several thousand
 12 new staff to respond to the demand in their retail
 13 store, and he said -- in the questioning from the media
 14 was, "How long will this take?" And he said, "Well,
 15 it'll need a day of health and safety and fire training
 16 and then we'll be able to get them on the shop floor".
 17 Why shouldn't that include security training? Because
 18 in some cases, there is no protective security aspect to
 19 it, so if you've got a café or a restaurant, it is not
 20 feasible to screen and search people as they come in for
 21 a meal. People would understand someone suspicious
 22 coming into their restaurant, they're not that big, but
 23 it is appropriate and correct that the staff in that
 24 restaurant, if there is something happening outside or
 25 a terrorist attack, they know what actions they take

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1 from a terrorist attack, where the exits are, where they
 2 would hide, how the door would be locked. Just basic
 3 risk assessment and mitigation, whether it be on
 4 protective security or on response to something.
 5 That's what we mean by proportionate and that would
 6 all be provided free, in templates and support, through
 7 the ISP and through NaCTSO, which is very different to
 8 somewhere like the arena, where they now have their own
 9 head of security and quite a sophisticated security
 10 operation.
 11 It's getting that threshold --
 12 SIR JOHN SAUNDERS: It'll be interesting to see the response
 13 to the public consultation and where the proportionate
 14 point lies.
 15 A. Yes, sir.
 16 MR GREANEY: Can I just see where we've reached? There has
 17 been a refresh because it was recognised that more could
 18 and should be done. And the key elements of where
 19 you have arrived are, (1), there needs to be primary
 20 legislation.
 21 A. Yes.
 22 Q. And primary legislation -- have I correctly understood
 23 that the principal purpose of that will be to impose
 24 a duty upon those who ought to be responsible for the
 25 safety of the public when they are in a publicly

1 accessible location?
 2 A. Yes.
 3 Q. And that is to be backed up with the provision of
 4 information and training via, not exclusively via but in
 5 substantial part via, the online platform, the
 6 information-sharing platform or ISP?
 7 A. Yes.
 8 Q. I'm going to come on in a moment to ask about the
 9 timetable for legislation, but has work already been
 10 undertaken in relation to the information-sharing
 11 platform?
 12 A. Yes. That was also announced last year, and the design
 13 phase has been completed and now it's just starting its
 14 build and it should be ready to roll out in its first
 15 phase next year.
 16 Q. I'll see if I can press you a little further.
 17 Do you have an expectation of when next year the
 18 information-sharing platform, which on your evidence is
 19 plainly important, will be available to the public?
 20 A. Probably in the middle of next year. This is an IT
 21 programme with all of the drawbacks that come with that.
 22 But a lot of design and planning has gone into it and
 23 it is a long way forward already.
 24 Q. We've been going for an hour and a half. I'll deal, if
 25 I may, sir, with one final short topic and then invite

1 you to take a break.
 2 I'm going to turn to deal with legislation and the
 3 legislative options. Was it in February of 2020 that
 4 ministers announced their intention to take forward
 5 their, as you describe it, legislative requirement to
 6 further enhance protective security and preparedness at
 7 publicly accessible locations?
 8 A. Yes.
 9 Q. Am I correct to describe what the ministers intend to
 10 achieve as a Protect duty?
 11 A. Yes.
 12 Q. That's what the legislation is about, a Protect duty.
 13 As is perfectly obvious, that announcement by ministers
 14 was made 2 years and 9 months after the Manchester Arena
 15 attack --
 16 A. Correct.
 17 Q. -- which to the public might seem like a long time. Do
 18 you know why it was not until February 2020 that that
 19 announcement was made?
 20 A. It's a long time. I acknowledge that. To get to that
 21 announcement there has been a lot of work around
 22 existing legislation. First of all, the work on the
 23 prevention of future deaths reports and the inquests
 24 from the other 2017 attacks, taking on board those
 25 recommendations, looking at the existing legislation to

1 see whether a new piece of legislation was actually
 2 required.
 3 Then in the summer of last year, really refining
 4 what a new legislation would look like so that we could
 5 put advice to ministers.
 6 It does feel like a long time when you say it
 7 starkly like that, but it's not been through lack of
 8 activity in this space to get to this point.
 9 Q. I'll read to you just a short passage, paragraph 112 of
 10 your statement, and then we'll take our break, I expect.
 11 You say in relation to the February 2020
 12 announcement as follows:
 13 "It is important here to acknowledge the
 14 contribution made by Figen Murray and the Martyn's Law
 15 campaign to this work, including by helping to raise the
 16 profile of this issue, engaging the public and a wide
 17 range of industry partners to debate the value of new
 18 legislation, and for being a passionate and vocal
 19 advocate for public venues and spaces to voluntarily
 20 adopt effective safety and security practices in the
 21 interim."
 22 Is there anything that you'd wish to add to that?
 23 A. I would just like to emphasise that statement. I have
 24 met Figen on various occasions. We spoke -- when I was
 25 in JSaRC I ran the security and policing show that Figen

1 spoke to industry at in 2019. It was a very powerful
2 speech. From then on, her ability, with other victims'
3 families, to be able to get the attention of ministers
4 has been appreciated, and I think she's been able to
5 amplify this issue. I've got nothing but — I commend
6 the work that she's done.

7 MR GREANEY: Mr Hipgrave, thank you very much for that.
8 After the break, we'll turn to look at something that
9 you've mentioned already, namely the other legislation
10 that your team looked at in order to see whether that
11 could be utilised to deal with the problem that had been
12 identified.

13 Sir, may we at this stage take a break until shortly
14 before 11.30, please?

15 SIR JOHN SAUNDERS: Yes, thank you.
16 (11.12 am)

(A short break)

18 (11.32 am)

19 MR GREANEY: Thank you, sir.

20 Mr Hipgrave, we're going to come on in a moment to
21 look at other legislation considered by your team, but
22 two short matters, first of all.

23 As you've explained, you've been following the
24 evidence of the inquiry. Did you hear the tributes that
25 were paid to the victims by their loved ones?

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1 A. I did.

2 Q. So did you hear what Andrew Roussos had to say?

3 A. I did.

4 Q. Would it be fair, just before I put to you what he
5 raised, to say that the refresh process and the steps
6 that it's intended now to take are the result of lessons
7 being learned from the 2017 attacks?

8 A. Yes, that's correct.

9 Q. And Andrew Roussos, as you will recall, said the lessons
10 should have been learned before, you shouldn't be
11 learning lessons now. Do you recall him saying
12 something rather more eloquent to that effect?

13 A. I do, yes.

14 Q. And do you have a response to that?

15 A. I absolutely sympathise with that point of view. In the
16 role that I have and the policy teams that work in this
17 area, it is not our intention that we have to wait for
18 an attack for policy to be changed. In fact, we don't,
19 we continually change policy on threat.

20 And as I mentioned earlier, the threat and the style
21 of attack going back 10, 20 years, has been different
22 and we don't only change in response to attacks, we
23 change to the threat, and the public doesn't always hear
24 about all of the threats and foiled attacks which we
25 change to as well.

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1 But I absolutely sympathise with that point of view.

2 Ministerial intent is quite clear: they have no
3 tolerance for any attacks. There isn't a positive of an
4 attack, but there is an outcome that can provide the
5 learning and better policy dependent on threat.

6 Q. The point is that the public would expect the government
7 to be proactive and not purely reactive to the terrorist
8 threat; do you agree?

9 A. Yes, that's correct.

10 Q. Is it your evidence that that is the approach of the
11 government?

12 A. It is, yes.

13 SIR JOHN SAUNDERS: I don't want an answer to this
14 necessarily at this stage because it's something that
15 we'll be considering more in detail at a later stage but
16 just for your thought: one thing which may come out of
17 the evidence which we are hearing is that once there is
18 a new style of attack which appears to come from
19 terrorist groups, the concentration is then — I'm
20 thinking of a marauding firearm attack — the
21 concentration on the publicity, the focus on what you're
22 telling the public is to avoid that sort of attacking
23 take place and maybe we forget more about the other
24 forms of attack. After all, this was a PBIED that
25 happened here, not a marauding terrorist attack.

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1 A. Yes.

2 SIR JOHN SAUNDERS: Is that a risk too? By all means answer
3 that at a later stage if you would prefer to.

4 A. I'm not putting off the answer, sir, and I don't think
5 the public would expect me to —

6 SIR JOHN SAUNDERS: They won't criticise you for it.

7 A. It's absolutely right that the threats that we face are
8 varied. When an attack happens and... I don't think
9 I'm saying anything that's revealing because it's in the
10 media all the time of the threat we face and the threat
11 level that was just increased last week. There is
12 a focus on mitigating against that type of attack at
13 that time because they do change. So we haven't stopped
14 mitigating against aviation threat, but we face a new
15 threat in our streets and places.

16 SIR JOHN SAUNDERS: I understand that. It's a very
17 difficult problem.

18 MR GREANEY: The second point before we turn on to
19 legislation, it's a minor matter of detail, but I know
20 that you're keen to clear it up. At an earlier stage of
21 our evidence, PC Bullough gave evidence and she was
22 persuaded to agree that there was a Home Office policy,
23 practice or protocol about single crewing or single
24 patrol. Do you know what I'm referring to?

25 A. I do, yes.

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1 Q. And she expressed her dissatisfaction with the idea of
2 a single patrol, one officer patrolling alone, and
3 I think you would like to clear up whether that is
4 a Home Office policy.
5 A. Yes. It isn't a Home Office policy. In fact,
6 operational delivery for policing is for policing and
7 it's for policing to decide their tactics.
8 Just on another point, British Transport Police
9 isn't a Home Office force, it is a Department for
10 Transport force.
11 Q. Yes. But even if the point had been made by a GMP
12 officer, which is a Home Office force, you would be
13 saying there is no such Home Office policy, that's
14 a matter for the individual police force?
15 A. That's correct.
16 Q. Let's return to what we were dealing with. So
17 a decision has been made to bring forward primary
18 legislation, but before that decision was made, was
19 extensive work undertaken to assess the potential for
20 existing legislation to be used to require consideration
21 of terrorist threats and mitigating measures?
22 A. Yes.
23 Q. Did your team identify three pieces of legislation in
24 particular that deserved consideration?
25 A. Yes, that's correct.

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1 Q. Namely the Health and Safety at Work Act of 1974?
2 A. Yes.
3 Q. The Crime and Disorder Act 1998?
4 A. Yes.
5 Q. And the Licensing Act of 2003?
6 A. Yes.
7 Q. We'll deal with each of those in turn. Within
8 government, are particular pieces of legislation owned
9 by particular departments?
10 A. They are, yes.
11 Q. Is the Health and Safety at Work Act owned by the
12 Department for Work and Pensions?
13 A. Yes.
14 Q. And regulated by the Health and Safety Executive?
15 A. Yes, that's right.
16 Q. We don't need to delve into the detail of it, but it
17 imposes duties upon all employers?
18 A. Yes.
19 Q. Both in relation to their employees?
20 A. Yes.
21 Q. Section 2. And in relation to those who may be affected
22 by their undertaking, so affected by the work they do in
23 section 3?
24 A. Yes.
25 Q. What view was taken about whether the Health and Safety

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1 at Work Act provided a basis for imposing upon those
2 responsible for publicly accessible spaces a requirement
3 to consider terrorist threats and take mitigating
4 measures?
5 A. The limitations we felt in relation to publicly
6 accessible locations is that this legislation looks at
7 employees or employers' responsibilities, so it's not
8 just employees, it's people who also go into the
9 buildings of employers. It would then limit it from
10 covering all of the locations, so not city centres, not
11 thoroughfares, not public realms or busy streets.
12 Q. So there would be many environments in which it would
13 apply, the point you're making is it certainly wouldn't
14 apply in lots of other locations such as a busy public
15 street?
16 A. That's correct, and there is a -- through the Health and
17 Safety Executive there is a quite mature inspection
18 regime and enforcement regime that has developed over
19 many years with case law. In trying to adapt our
20 legislation, our intent into that was felt to be far too
21 onerous to be able to do that.
22 Q. And by onerous, do you mean just too complicated or
23 do you also mean that there would be resource issues as
24 well?
25 A. It would be complicated, but there would be resource

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1 issues as well and there would be expertise issues.
2 CT police are the experts for counter-terrorism advice
3 and getting that advice and those resources to support
4 this was found to be -- it wouldn't be achievable.
5 Q. I believe the point you're making is you have the Health
6 and Safety Executive with their inspectors, who are
7 experts in workplace safety --
8 A. Yes.
9 Q. -- but they are not the experts in terrorism and
10 counter-terrorism?
11 A. Yes.
12 Q. And giving them that expertise was felt not to be
13 achievable?
14 A. Yes.
15 Q. So the Health and Safety at Work Act was ultimately
16 crossed off the list?
17 A. Yes.
18 Q. Consideration was given to the Crime and Disorder Act of
19 1998. Is that legislation owned by the Home Office?
20 A. Yes.
21 Q. Does section 17 apply to a wide range of public
22 authorities?
23 A. It does, yes.
24 Q. And impose upon them, in section 17, a duty to consider
25 crime and disorder implications?

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1 A. Yes.
 2 Q. So a broad duty. What view was taken about whether
 3 section 17 provided the route by which you could impose
 4 the duty, the Protect duty?
 5 A. So again, based on how we are now looking at publicly
 6 accessible locations, it was suitable for town centres,
 7 local authority owned spaces, bridges, streets.
 8 However, it would not apply to private ownership, so
 9 it would then leave a huge chunk of the areas we want to
 10 cover missing.
 11 Q. And so that one was crossed off the list.
 12 The Licensing Act 2003. I know that the chairman
 13 will have some questions for you in relation to this, as
 14 you're aware. I believe it's acceptable to the chairman
 15 that I adduce your evidence about why the Licensing Act
 16 doesn't provide the solution before he asks those
 17 questions.
 18 Alcohol-related licensing and the legislation are
 19 owned by the Home Office; is that correct?
 20 A. Yes.
 21 Q. However, and this is a point the chairman has made
 22 already, the Department for Digital, Culture, Media and
 23 Sport leads on licensable activities relating to the
 24 provision of regulated entertainment; is that correct?
 25 A. Yes.

1 Q. Were two approaches to the utility of the Licensing Act
 2 considered?
 3 A. Yes, they were, yes.
 4 Q. What was the first of those, please?
 5 A. To amend the Licensing Act guidance to consider
 6 terrorist threat and implications and mitigations on
 7 a guidance basis.
 8 Q. Why was that approach not deemed acceptable?
 9 A. To achieve the security outcome that we want, which is
 10 to have a mandated responsibility, in this case, on
 11 licence owners, it was felt that the guidance was purely
 12 there as guidance and may not necessarily require the
 13 licence-holder to have regard to it.
 14 Q. Was there additionally any concern about the reach of
 15 the guidance, if you understand what I mean?
 16 A. Just as the guidance, yes.
 17 Q. Yes, what I mean by the word "reach" is was: there any
 18 concern about whether the guidance would be applicable
 19 to all of the publicly accessible locations that you
 20 were concerned to protect?
 21 A. Only on new licences and not retrospectively.
 22 Q. What about locations that weren't licensable?
 23 A. It would have no impact.
 24 Q. So again, there would be locations that you were
 25 concerned to achieve protection in that would not be

1 covered by anything you felt you could achieve by
 2 amending the guidance. I said there were two
 3 approaches. What was the second approach to the
 4 Licensing Act?
 5 A. So there is also — there could be an amendment made by
 6 the Secretary of State. She could introduce
 7 a secondary — a mandatory condition on all existing and
 8 future licences.
 9 Q. Why was that approach deemed not acceptable?
 10 A. This would only be on alcohol licences. It could
 11 include the same areas around counter-terrorism, but it
 12 could be only imposed where there is an alcohol licence.
 13 It is only for England and Wales and it would need still
 14 some significant consideration for the
 15 Secretary of State to do that. She would need to
 16 understand the end-to-end process, so it's not just
 17 about saying, "Here's a new area for licensing", but
 18 also how do we enforce it, how do we provide the advice,
 19 where are the resources, the counter-terrorism advice
 20 and resources.
 21 When we then looked at that as well, we regarded
 22 that as limited. Although you described them as ticking
 23 one off after another, actually when we looked at all
 24 three together that's when it was regarded that
 25 collectively they are limited. On their own they are

1 limited because they don't cover all the publicly
 2 accessible locations, but collectively they're also
 3 limited and therefore that was part of our consideration
 4 in putting forward new legislation.
 5 Q. So it was the way in which I expressed it, but what
 6 you're explaining to us, I believe, is it wasn't
 7 a question of looking at one after the other, it was
 8 also — not purely a question of doing that, it was also
 9 a case of looking at all three alongside each other and
 10 saying, "Does this provide us with the coverage we need
 11 of all locations", and you were still seeing gaps?
 12 A. So less gaps, but more around the feasibility of
 13 providing the right counter-terrorism expertise, having
 14 the enforcement capability, having the assurance. The
 15 Home Office only had ownership over two areas, DCMS had
 16 legislation in one, and the Department for Work and
 17 Pensions had the legislation on the other. What we saw
 18 was that would just raise huge complexities. Some of
 19 them needed extra legislation in the devolved
 20 administrations, Northern Ireland and Scotland. Putting
 21 all that collectively together, new primary legislation
 22 owned by the Home Office in counter-terrorism
 23 legislation, which is reserved for the whole of the UK,
 24 was considered to be the best way forward.
 25 Q. Just before we leave the Licensing Act, have you read

1 the witness statement of Fiona Sharkey?
 2 A. I have, yes.
 3 Q. I'll identify her position for those who don't know.
 4 She's employed by Manchester City Council and she
 5 explains that her role is as head of compliance,
 6 enforcement and community safety with overall
 7 responsibility for the council's environmental
 8 compliance and enforcement functions.
 9 I'm going to ask -- she's giving evidence, I think,
 10 next Thursday. At any rate, she's giving evidence
 11 in the near future, but I'm going to give you an
 12 opportunity to comment on one aspect of what she has to
 13 say at this stage. I know that you would welcome that.
 14 Could we have on the screen, please, {INQ038587/1}.
 15 Could we go to {INQ038587/7}, please. I'm going to
 16 ask you to read paragraphs 31 to 36 to yourself and then
 17 I'll ask for your comment. I'm not going to read them
 18 out.
 19 (Pause)
 20 When you have read what's on the page, let me know
 21 and we'll go over the page so you can read the balance
 22 of paragraph 36.
 23 (Pause)
 24 Thank you. She's scheduled to give evidence on
 25 Wednesday, 18 November.

1 I was passed a note a short time ago asking if you'd
 2 just make sure you keep your voice up, Mr Hipgrave.
 3 I'm going to ask you a simple question, which is:
 4 do you have a comment on what you've just read?
 5 A. In paragraph 32, I think she outlines some of the
 6 limitations, but ultimately she is recommending that the
 7 Secretary of State use her power under section 19A of
 8 the Licensing Act to impose mandatory conditions.
 9 Referring back to what I've said, this would only be --
 10 so first of all, this is absolutely the kind of effort
 11 and enthusiasm to counter--terrorism that we actually
 12 would like.
 13 Q. Yes.
 14 A. I don't want to be negative around trying to apply
 15 measures that will create a better security outcome.
 16 However, in mandating this, it is only applicable to
 17 those premises with alcohol licences, which limits those
 18 places where the public have access. But in achieving
 19 the effect through mandation, there needs to be an
 20 end--to--end process around counter--terrorism advice,
 21 expertise, guidance, an ability to enforce that, and as
 22 I understand it, there are 2,200 licences in Manchester
 23 and there is only a limited amount of resources
 24 available to support the kind of advice needed to impose
 25 counter--terrorism mitigations on here.

1 That is a matter for DAC D'Orsi, who holds those
 2 resources, but it is again just a limited ability to
 3 drive forward legislation to protect people. Also, you
 4 may be aware, we can't push through two pieces of
 5 legislation with the same intent.
 6 Q. In short, you remain of the view that the only credible
 7 answer is new primary legislation?
 8 A. The only answer that will have the impact that ministers
 9 expect -- and ministers' intent has been made clear
 10 in February and several times since -- is to have
 11 primary legislation that will actually make the
 12 difference to the security outcomes for the public.
 13 Q. The intent, so that we have no doubt about it, is that
 14 those responsible for publicly accessible locations
 15 should be required to consider terrorist threats and
 16 take mitigating measures?
 17 A. Yes.
 18 Q. I'm about to move on from existing legislation, sir.
 19 SIR JOHN SAUNDERS: Right. I'm going to spend a little time
 20 with you looking at the Licensing Act and the
 21 possibilities of using it. I am concerned about the
 22 fact that there are already existing powers which could
 23 have been effectively used but for one reason or another
 24 haven't been, which we're now going to throw out with
 25 the bathwater and to replace it with a new concept,

1 which is saying: let's look at it in an entirely
 2 different way and let's forget about the old ways, which
 3 we actually didn't do properly anyway.
 4 So what I am actually looking at is whether the
 5 powers in the Licensing Act could be used in conjunction
 6 with, not instead of, legislation which reflects
 7 Martyn's Law. I am sorry if this is going to sound like
 8 a bit of a dissertation, but when you disagree with me,
 9 please say so.
 10 This is the present regime with the Licensing Act.
 11 To have a licence, whether it be a public entertainment
 12 licence or a liquor licence, an application for
 13 a premises licence has to be made to a local authority.
 14 Correct?
 15 A. Yes.
 16 SIR JOHN SAUNDERS: In carrying out their duty, the
 17 licensing authority has to have and exercise their
 18 powers to promote the licensing objectives. Two of
 19 those licensing objectives are relevant to terrorism,
 20 namely law and order, criminal offences, and also public
 21 safety. So when they are looking for an application for
 22 a licence, they must consider what effect will this
 23 licence have on criminal offences and on public safety.
 24 So they were bound, and always have been bound, to
 25 look at the possibility of terrorism.

1 A. Yes.
 2 SIR JOHN SAUNDERS: That has been ignored by the
 3 Home Office, who issue guidance to local authorities
 4 in relation to them, and section 182 of the
 5 Licensing Act provides that guidance, you have already
 6 referred to it, and there's not a single mention of
 7 terrorist offences in section 182. Right?
 8 A. Yes. Yes, sir.
 9 SIR JOHN SAUNDERS: Okay. So the importance of that and
 10 where it can go further than Martyn's Law but in
 11 conjunction with it is this: licensing authorities
 12 consider the plan of what is intended. So for example,
 13 if someone is going to build somewhere like the arena
 14 with a grey space inside it, which gives all sorts of
 15 problems we have seen, if they are considering the
 16 possibility of terrorist outrages, they would take that
 17 into account in deciding whether to grant the licence
 18 in the first place or whether to add conditions to the
 19 licence, say on event days you have to push the
 20 perimeter back, something they're now doing, before they
 21 would grant it. Wouldn't that be a good idea?
 22 A. There is an opportunity, yes, there.
 23 SIR JOHN SAUNDERS: They take into account when they're
 24 deciding this representations made by the police, who
 25 have to be consulted on every licensing application.

1 A. Yes.
 2 SIR JOHN SAUNDERS: And part of the police force, locally,
 3 are CTSAs.
 4 A. Yes.
 5 SIR JOHN SAUNDERS: Who'd be there to give advice to the
 6 licensing committee of dangers there may be in terrorist
 7 type offences; right? A good idea?
 8 A. I think there may be a bandwidth issue that DAC D'Orsi
 9 could talk to.
 10 SIR JOHN SAUNDERS: Okay. We haven't got enough, is that
 11 what bandwidth means? Or it's not a part of their job?
 12 What does that mean?
 13 A. I don't think there would be enough.
 14 SIR JOHN SAUNDERS: Okay.
 15 A. For the number of -- I don't know the number of licences
 16 in the UK, but I know in Manchester there are 2,200.
 17 SIR JOHN SAUNDERS: If you're going to have this new Act,
 18 won't it require more people to do the sort of things
 19 CTSAs do and give advice to people? More resources?
 20 A. So the delivery and the enforcement on that is still
 21 under consideration. But the thinking is happening on
 22 that, that has not yet been decided.
 23 SIR JOHN SAUNDERS: Okay. So the great advantage is someone
 24 can look before it's built and before it operates at the
 25 possible difficulties in the design of a building. As

1 now, a licensing authority may look at an application
 2 for a new big pub and say, "This is in a ram raid type
 3 area, you should have protections outside to prevent ram
 4 raids", for example, and the police may well ask for it
 5 and get it.
 6 At the moment I find it difficult to understand why
 7 terrorism is put into a different category because at
 8 the moment it just doesn't happen.
 9 A. Yes. I agree with you on that point, on the advice.
 10 I don't know in detail. I'm acting on the advice from
 11 different policy areas. It is limited, sir, to those
 12 premises that have alcohol licences.
 13 SIR JOHN SAUNDERS: 220,000 (sic). A third of the premises
 14 you're talking about and areas.
 15 You said 600,000--odd, didn't you?
 16 MR GREANEY: 650,000.
 17 SIR JOHN SAUNDERS: Yes, so a third.
 18 A. And there are also issues around resourcing, as
 19 I explained.
 20 You're the chairman, you will --
 21 SIR JOHN SAUNDERS: No, no, I'm giving you the opportunity
 22 to, as I did with Figen Murray, to say if this is a good
 23 idea or not? If it's not a good idea, I'm not promoting
 24 it, I'm just trying to point out what actually can go on
 25 now under the Licensing Act. You won't stop them;

1 Manchester's already trying to do it.
 2 A. Yes, and other areas. Westminster is doing something
 3 similar.
 4 SIR JOHN SAUNDERS: And others will follow no doubt.
 5 A. But what I would say is on the overall protection of the
 6 public, it has limitations. It is different in
 7 Northern Ireland and Scotland as well. But I accept
 8 that there are measures that could happen sooner just
 9 within this limited sphere.
 10 SIR JOHN SAUNDERS: Okay.
 11 A. But it would be something that we would need to look at.
 12 SIR JOHN SAUNDERS: I'm not asking you to look at it. I'm
 13 looking at your paragraph 113(c). You looked at the
 14 guidance. If you don't mind me saying so, you have
 15 underrated the legal requirements to following the
 16 guidance under the Licensing Act. It's not simply they
 17 can do it if they want to. The law is perfectly clear,
 18 as actually is set out in the preface to section 182 of
 19 the guidance.
 20 There's the guidance. It sets out in the preface
 21 exactly the right legal position accepted by the -- set
 22 out by the High Court, which is: every licensing
 23 committee has to have regard and consider the guidance.
 24 A. Yes.
 25 SIR JOHN SAUNDERS: They can only go against the guidance,

1 has said the High Court, if they have good reasons for
 2 doing so, which they must set out. So it simply isn't
 3 that they can disregard it if they want to, they
 4 absolutely can't. And that's important?
 5 A. Yes.
 6 SIR JOHN SAUNDERS: And it's important, I suggest, or may be
 7 for your consideration, for this reason: that the
 8 guidance could be changed now. You could issue guidance
 9 now to licensing authorities to say: you should consider
 10 what threats, if any, of terrorism can come about by the
 11 institution of this licence and consider conditions you
 12 could impose. Okay?
 13 A. Yes.
 14 SIR JOHN SAUNDERS: Worth considering?
 15 A. We will take those considerations away. On the
 16 guidance, it is new licences.
 17 SIR JOHN SAUNDERS: I understand that. I'm coming to the
 18 others in a minute.
 19 A. Right, okay, sorry.
 20 SIR JOHN SAUNDERS: So there are a large number of existing
 21 licences there.
 22 A. Yes.
 23 SIR JOHN SAUNDERS: And I quite agree with you, not that
 24 it is for me to agree with it, that section 19A, which
 25 gives the Secretary of State the power, by secondary

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1 legislation, by regulation, to put mandatory conditions
 2 on to a licence. That won't work, not just for the
 3 reasons you've said actually, but the mandatory
 4 condition has to apply to the supply of alcohol. It's
 5 not just only restricted to alcohol licences, but it has
 6 to apply to the supply of alcohol. So conditions such
 7 as Martyn's Law could not be put on by regulation. But
 8 there's nothing to stop you doing it — when you bring
 9 out your Martyn's Law Act, you could include in it
 10 a section which applied those conditions as a mandatory
 11 condition for liquor licensing, which has already been
 12 done, section 21, which is the mandatory condition as to
 13 supervisors, which was brought into effect by the
 14 Violent Crime Reduction Act 2006. So there's nothing to
 15 stop you by primary legislation which you're bringing in
 16 anyway.
 17 A. Yes.
 18 SIR JOHN SAUNDERS: The advantage of that is it could be
 19 made a requirement before anyone had a licence and
 20 before they started operating, that they have to get
 21 advice from CTSAs, that they have to follow an action
 22 plan that's set out and do it beforehand. As I say,
 23 they are going to try and do it anyway because they're
 24 under a duty to, local authorities, under the
 25 Licensing Act —

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1 A. Yes.
 2 SIR JOHN SAUNDERS: — unless you pass an Act saying, "All
 3 licensing must forget about any terrorism threat", take
 4 it out. So you may have used the wrong section by using
 5 section 21, it may not have been the right section, or
 6 section 19. But actually, it is possible to include the
 7 mandatory conditions if you bring it in with your
 8 primary legislation.
 9 There's another advantage. It does actually have
 10 a built-in enforcement and regulation process. So
 11 inspectors go round, see whether it has been done, and
 12 if it hasn't been done, the licence can be reviewed and
 13 if necessary taken away. So something to think about.
 14 A. I would reflect, absolutely, sir, and I would reflect
 15 that this really highlights the point about bringing in
 16 this kind of primary legislation without due regard to
 17 many different impacts and factors. It's important, and
 18 I know we're going to talk about the consultation, but
 19 it's important that we, in our preparation of that, have
 20 really considered primary and the secondary that will
 21 enable and support that.
 22 SIR JOHN SAUNDERS: There may well be a complete answer to
 23 what I'm suggesting, it may not be satisfactory, but
 24 I just wanted to at least plant those ideas in your head
 25 perhaps a bit. I'm sorry if it sounded like a lecture,

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1 it wasn't intended to be, but it ended up being one.
 2 A. It's not a lecture, sir. When the statement was
 3 prepared, it was never considered that there was
 4 a licensing expert going to be available in the room.
 5 SIR JOHN SAUNDERS: I may have been an expert, but I'm happy
 6 to tell you I've forgotten most of it, but other people
 7 have helped. Right.
 8 Mr Greaney.
 9 MR COOPER: Sir, before Mr Greaney starts, if I may say,
 10 sir, I've been liaising with Mr Greaney on this matter
 11 and I think you're aware, sir, that we're presently
 12 absorbing the very helpful observations on the licensing
 13 issue from that which we received yesterday.
 14 SIR JOHN SAUNDERS: Yes, I know.
 15 MR COOPER: I believe, sir, that you're allowing us to
 16 question on the licensing issue in the next phase so far
 17 as this witness is concerned.
 18 SIR JOHN SAUNDERS: Yes, and Mr Cooper, as I've made clear
 19 to you before, what we're talking about — and I'm not
 20 saying we are suggesting it because we have to hear more
 21 about it and I'm not saying it'll be a recommendation —
 22 is not done with a view to cutting across
 23 Martyn's Law —
 24 MR COOPER: We understand.
 25 SIR JOHN SAUNDERS: — which, from what we've heard so far,

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1 seems utterly commendable and a very good idea. It
 2 hopefully will operate in collaboration with it and as
 3 an addition to it, and maybe with a few more teeth.
 4 MR COOPER: We understand, sir, and the exercise that we're
 5 undertaking is simply to assist you in that
 6 deliberation.
 7 SIR JOHN SAUNDERS: Thank you, Mr Cooper.
 8 MR GREANEY: Thank you very much, Mr Cooper.
 9 Mr Hipgrave, let's go back to the ministerial
 10 announcement in February 2020. Since the announcement,
 11 have officials within the Home Office worked in order to
 12 consider to whom a Protect duty should apply?
 13 A. Yes.
 14 Q. What it would require of the affected parties?
 15 A. Yes.
 16 Q. How its delivery would be supported?
 17 A. Yes.
 18 Q. And how associated inspection and enforcement functions
 19 would work?
 20 A. That's correct, yes.
 21 Q. And of course, enforcement of that duty is going to be
 22 very important indeed, is it not?
 23 A. Absolutely, yes.
 24 Q. If there is a view held at the moment, can you tell us,
 25 is it intended that there should be enforcement by way

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1 of making a breach of the duty a criminal offence or has
 2 no final view been reached or provisional view, I ought
 3 to have said?
 4 A. No view has been reached yet. The choice between civil
 5 and criminal offence... Those are matters — are all
 6 part of the further consideration and the consultation.
 7 Q. I'm going to reach in just a few moments the
 8 consultation. But first, you should confirm that that
 9 work undertaken by the Home Office officials has been
 10 undertaken in collaboration with your partners from
 11 across government and the devolved administrations?
 12 A. That's correct, yes. So in preparing for the
 13 consultation, in pre-consultation, we engaged with
 14 ministers, the security minister engaged with other
 15 ministers and, across government, all the other relevant
 16 departments, including Scotland and Northern Ireland as
 17 well, as devolved administrations.
 18 Q. And you've added in your statement that the work that's
 19 been done has been undertaken with the Martyn's Law
 20 proposals in mind?
 21 A. That's correct, yes.
 22 Q. And there has been liaison with public authorities,
 23 owners, operators and industry associations?
 24 A. Yes. So as well as working across government, we've
 25 also engaged the security minister, myself, and also

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1 DAC D'Orsi, with chief executives from local authorities
 2 across the UK, trade association bodies, the security
 3 industry, the SIA, security industry representation and
 4 companies as well on our plans for the Protect duty and
 5 the consultation to understand what their thoughts were.
 6 Q. So the question that a member of the public might pose
 7 is that having undertaken that work over the course of
 8 a 9-month period now, why not proceed immediately to
 9 draft legislation?
 10 A. There is a requirement in bringing in primary
 11 legislation from Parliament that we have consulted with
 12 the public. I mean, consulting with the public just
 13 means a wide consultation, it means industry, the
 14 public, everybody in fact, and there are certain
 15 limitations on what a consultation can be. It has to be
 16 a certain period of time, it has to fulfil certain
 17 criteria, and just to be clear, the announcement in
 18 February had already mentioned that there would be
 19 a consultation in early summer. Unfortunately, because
 20 of coronavirus, that was delayed until the autumn, and
 21 then where we were in the autumn now means it is now —
 22 the position is because of coronavirus that we have
 23 still got the consultation delayed.
 24 Q. I'm going to come on and ask you about why, for example,
 25 you couldn't conduct the consultation via the internet

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1 in a short time, but you've identified, have you not,
 2 some difficulties with approaching it in that way?
 3 A. Yes. It wouldn't fit within the parliamentary
 4 requirements.
 5 Q. And in any event, as I think you're going to explain to
 6 us, it's not as simple as people not being able to meet.
 7 There are other practical difficulties as well, but
 8 we'll reach those in a moment.
 9 Is it the position that the public consultation
 10 process is intended to inform the scope of the
 11 legislation it's intended to bring forward?
 12 A. Yes.
 13 Q. The current expectation is that a duty will be imposed,
 14 requiring parties in scope to consider terrorist threats
 15 and methodologies?
 16 A. Yes.
 17 Q. To assess the potential impact of those to the public
 18 and to staff through a risk assessment?
 19 A. Yes.
 20 Q. And to consider and implement reasonably practicable and
 21 appropriate protective security and organisational
 22 preparedness measures?
 23 A. That's correct.
 24 Q. With consideration also being given to the range of
 25 organisations to which the duty would apply?

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1 A. Yes.
 2 Q. Will the legislation be what might be described as a
 3 one-size-fits-all model?
 4 A. No, and we've mentioned earlier the challenges of this
 5 from a small business that may have 30 people in their
 6 business on a daily basis to those organisations that
 7 are like the arena or the O2 that are significant
 8 organisations with people in them, down to bridges in
 9 town centres and city centres. So it's going to be a ---
 10 understanding where this threshold is, understanding
 11 where the proportionality is and understanding the
 12 effect that we're trying to make.
 13 Q. The way you put it in your statement is:
 14 "For most owners and operators affected, the duty
 15 will likely focus on low cost, easy to implement
 16 preparedness measures. For example, accessing
 17 information regarding threats and methodologies and
 18 considering their risk assessments in light of these."
 19 A. Yes.
 20 Q. "Considering freely available staff training and
 21 awareness programmes."
 22 A. Yes.
 23 Q. "Ensuring that staff know and practice their roles and
 24 responsibilities to respond to different types of
 25 incidents."

1 A. That's correct.
 2 Q. Obviously, if this legislation is brought forward, it
 3 will need to be the subject of inspection and
 4 enforcement.
 5 A. That's right, yes.
 6 Q. So is there a view at the moment about the vehicle
 7 through which that will be achieved, so one of the
 8 existing inspectorates or a new inspectorate?
 9 A. So no decision has been made. It is under
 10 consideration. Understanding that we are trying to
 11 achieve a better security outcome for the public,
 12 enforcement is around assurance, and everything that we
 13 do around security needs an assurance that the
 14 legislation is enabling actually the outcome to happen.
 15 So we're actually achieving better public protection and
 16 the reason we --- the enforcement can be different, it
 17 can range from a full-on enforcement team similar to
 18 licensing, in licensing areas; it can be a mystery
 19 shopper type enforcement where we do random checking of
 20 locations and areas; it has a wide range of
 21 applicability and it's not yet been decided what is most
 22 appropriate. That's an important part of the
 23 consultation.
 24 Q. In your statement you observe at paragraph 119 that:
 25 "It is vitally important that government works in

1 partnership with owners and operators to ensure their
 2 views are considered"; is that correct?
 3 A. Yes.
 4 Q. Why is that correct?
 5 A. So we are bringing in legislation that will have a duty
 6 on them with some penalties, whichever way it's decided,
 7 to protect the public. It is important that we
 8 understand the proportionality needed to do that and
 9 where we would expect that to happen. As I mentioned,
 10 really early on around CONTEST, CONTEST 3.0 is having
 11 a better integration with industry and with the public
 12 to create a safer, in this case, public location for the
 13 public. To do that, this isn't about enforcing
 14 legislation on people, it's about working with them to
 15 ensure we provide proportionate legislation.
 16 Q. So the first benefit of robust consultation is that you
 17 get an accurate picture of the practicalities of the
 18 legislation, so what will actually happen if you do it
 19 in different ways; is that correct?
 20 A. Yes.
 21 Q. Secondly, I think you're saying to us that it's your
 22 experience that the greater the engagement with those
 23 who will be affected, then the more successful the
 24 implementation of the regime is likely ultimately to be?
 25 A. Yes.

1 Q. You had intended to take forward the public consultation
 2 route really at this stage; is that correct?
 3 A. Yes, that's correct.
 4 Q. But that has not proved possible because of COVID?
 5 A. That's correct, yes.
 6 Q. One reason why you can't do the consultation online is
 7 because of the parliamentary requirements?
 8 A. Correct, yes.
 9 Q. But you go on to identify other practical difficulties,
 10 and in particular, that to take forward the consultation
 11 now would be challenging as many sectors and
 12 organisations that are potentially within scope for
 13 a duty are themselves dealing with the difficulties and
 14 disruptions arising from COVID?
 15 A. Yes.
 16 Q. And would therefore find it hard to engage meaningfully
 17 with the consultation?
 18 A. Yes.
 19 Q. And moreover, their staff may themselves be dealing with
 20 the COVID crisis?
 21 A. That's correct, yes.
 22 Q. So is it the position that the consultation will be
 23 taken forward as soon as is possible?
 24 A. Yes, that's ministerial intent, yes.
 25 Q. But does that require the COVID crisis to come to an

1 end, at least in the form that it is currently existing
2 in?
3 A. It will constantly be reviewed. I think having
4 a meaningful consultation is important. Whilst, with
5 due deference to Figen Murray and the campaign, the
6 positive side of Martyn's Law and the Protect duty, many
7 of us have heard about that. But the due diligence
8 around the unintended consequences, bringing in
9 legislation without a meaningful consultation, the
10 impact that it may have on different parts of the UK
11 needs meaningful consultation.
12 It wouldn't be right to take it forward to
13 Parliament and under parliamentary scrutiny unless
14 we were able to properly represent the due diligence
15 we've done to understand its impact and whether it will
16 achieve the outcome that we actually want.
17 Q. I suppose someone listening to your evidence might
18 identify this as being the problem of where we are, that
19 you have identified that there is a problem with
20 protecting the public when they are in publicly
21 accessible locations — and I think you're agreeing with
22 that.
23 Secondly, a would-be terrorist is most unlikely to
24 heed the government's stay at home guidance, would you
25 agree with that?

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1 A. I don't think I could speculate on that.
2 Q. Thirdly, therefore, the risk of terrorism hasn't gone
3 away, has it?
4 A. The risk of terrorism has not gone away.
5 Q. And indeed, as you observed earlier, the threat
6 assessment was increased to severe just last week?
7 A. That's correct, yes.
8 Q. And yet, on the other hand, the consultation that you
9 tell us needs to be undertaken before legislation is
10 introduced to assist with that situation can't take
11 place at the moment. That would seem to be an unhappy
12 state of affairs.
13 A. It is. I can assure the public that the teams that are
14 looking at this and also — and ministers. And the Home
15 Secretary has spoken to me personally about this, and to
16 Figen Murray, as I'm aware, about her absolute intent to
17 bring forward the Protect duty.
18 But we are in a situation with COVID that none of us
19 expected and we do accept in bringing this legislation
20 forward that we are tightening up how we expect
21 businesses, owners, operators to understand how they
22 should protect the public.
23 But in the interim, and since 2017, with our
24 partners in Counter-terrorism Police, we have been
25 changing the way that we protect the public. We've

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1 moved from the tiering system to protecting — providing
2 that information and guidance to the wider business
3 owners and operators.
4 It's frustrating, it's frustrating for me, it's
5 frustrating for ministers, but there's no point doing
6 a consultation if we don't get a meaningful response.
7 Q. The public may very well accept that you've provided
8 very good reasons for why a public consultation needs to
9 take place, and, moreover, most will understand why
10 COVID is inhibiting that, but the ongoing threat, as I'm
11 sure you agree and in fact have agreed with, underlines
12 why the public consultation needs to take place as soon
13 as reasonably that can occur.
14 Do you have any sense, even if you don't have
15 a sense at the moment, of when the consultation can
16 start, of how long the consultation will take?
17 A. It will be no less than 6 weeks.
18 Q. No more than?
19 A. As soon as is reasonable, that would allow us to get
20 a meaningful consultation.
21 Q. So at least 6 weeks, but difficult, if not impossible,
22 to identify the longest period the consultation might
23 take?
24 A. Yes.
25 Q. I'm going to move on in a moment, but I'll finally on

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1 this topic remind you, out of fairness to you, of what
2 you observe at the end of paragraph 119 of your
3 statement, which is:
4 "The consultation will therefore be taken forward as
5 soon as is possible to allow for meaningful and
6 comprehensive engagement and in the meantime the
7 Home Office has started making progress by engaging with
8 a variety of key stakeholders in this area, such as
9 local authorities, chief executives, the security and
10 guarding industry and security trade associations, and
11 we will continue this pre-consultation engagement with
12 other stakeholders in the coming months."
13 Is that the position?
14 A. Yes. Put plainly, right up until the consultation we'll
15 be continuing to work at pace to prepare for the new
16 legislation, so working with all the stakeholders, doing
17 the economic impact assessment, all the work that would
18 be needed to put forward new legislation.
19 Q. So the public should not understand that no work is
20 being done for the Protect duty, in fact what you're
21 saying to us is that much work is being done and as much
22 as is possible?
23 A. That's correct, yes.
24 SIR JOHN SAUNDERS: You may not be able to answer this, but
25 on your present planning would litigation inevitably

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1 result in an increase in numbers of CTAs and CTAs, or
 2 is that not something you can say at the moment?
 3 A. It's not anything I could say at the moment, sir,
 4 because the CT effort for protecting — for Protect is
 5 more than CTAs, it's the Home Office, it's CPNI, it's
 6 other stakeholders who are all part of that effort. So
 7 it isn't necessarily about just increasing numbers of
 8 CTAs, it's about getting the greater effect of the
 9 whole to ensure that whatever our enforcement or
 10 delivery regime is, it actually achieves the outcome
 11 that we want.
 12 SIR JOHN SAUNDERS: So getting the advice out, as it were,
 13 to the new people affected may require CTAs or it may
 14 be done in a different way?
 15 A. Yes. And it may be done through the information-sharing
 16 platform. So the whole plan of the information-sharing
 17 platform is it isn't just a website sort of front page,
 18 it's going to be interactive. So it's using digital
 19 platforms.
 20 As an example, rather than the CTSA visiting every
 21 retailer in a town or a village or a city, a certain
 22 area, they can create their own community through the
 23 platform and advice can be given to many from CTAs
 24 rather than having to visit one-to-one.
 25 SIR JOHN SAUNDERS: Thank you.

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1 MR GREANEY: I'm going to turn to a different topic now.
 2 We're going to deal with two much shorter topics and
 3 then that will conclude my questioning. I'm going to
 4 page 46 of the updated witness statement, paragraph 138.
 5 I know Mr Hipgrave, you were keen that we should
 6 receive your evidence in relation to the
 7 counter-terrorism exercising team —
 8 A. Yes.
 9 Q. — because the inquiry has heard evidence about some
 10 training exercises, in particular Exercise Sherman and
 11 Exercise Winchester Accord.
 12 A. Yes.
 13 Q. Is there a team that sits within the Prepare section of
 14 OSCT called the National Counter-terrorism Exercise
 15 Team?
 16 A. Yes, that's correct.
 17 Q. Known as the CTX team?
 18 A. Yes.
 19 Q. Why does that team exist?
 20 A. It sits at a national level to strategically look at how
 21 we use exercising for preparedness and assurance that
 22 the plans we have in place to respond to an attack — so
 23 it sets a policy direction. It will also facilitate
 24 a national exercise on occasions, which means we are not
 25 just testing one part of the response, we're testing the

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1 whole national response. We may call a COBR, we may
 2 call in the whole of the sort of management strategic
 3 part of OSCT.
 4 Q. Does the team work closely and in partnership with
 5 Counter-terrorism Policing's organisation development
 6 unit?
 7 A. It does, yes.
 8 Q. Which unit is responsible for learning, training and
 9 exercising across the CT Policing network?
 10 A. Yes.
 11 Q. At a local level, are emergency services expected to
 12 maintain their own plans and procedures?
 13 A. They are, yes.
 14 Q. And to carry out exercising to ensure that those plans
 15 are effective?
 16 A. Yes.
 17 Q. Prior to 2017, what did CTX primarily focus upon?
 18 A. Delivering the annual national exercise,
 19 counter-terrorism exercise.
 20 Q. I posed my question on the basis that this was prior to
 21 2017. Has a decision been made that the annual national
 22 level exercise is no longer important or as important as
 23 had previously been thought?
 24 A. It is important, but it's complemented now by a series
 25 of smaller exercises. That may be more of a tabletop

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1 exercise at a more strategic operational response.
 2 Q. So does the annual national level exercise still occur?
 3 A. It hasn't occurred this year.
 4 Q. Subject to COVID?
 5 A. But yes.
 6 Q. But is now, as you've said, supplemented by a programme
 7 of smaller complementary exercises?
 8 A. Yes.
 9 Q. There's therefore been a change since 2017. Why has
 10 that change occurred?
 11 A. From a national point of view, there was very little
 12 ability for the local responses to understand what was
 13 happening nationally, so we brought in smaller
 14 exercises. So we bring in local CT responding teams
 15 into COBR, to tabletop in COBR and understand what the
 16 positions are from the ministerial and senior strategic
 17 level as well.
 18 Q. So are these changes, which have occurred since 2017,
 19 coincidental with the terrorist attacks of that year or
 20 connected in some way?
 21 A. I don't know, actually. I can't actually answer that
 22 question.
 23 Q. Perhaps you'd look into that and when you return to give
 24 your evidence, you'll be able to answer that question.
 25 I don't mean that in any way critically.

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1 Does the CTX team include secondees from the
2 emergency services?
3 A. Yes, it does, from fire, ambulance and police.
4 Q. But is the view taken at a national level that local
5 areas are best placed to manage the exercising of their
6 own local response plans?
7 A. That's correct. It's just not practical to do this at
8 a national level.
9 Q. So as a consequence, did CTX have any involvement in the
10 planning or funding of exercises that we have heard
11 about or will hear about, namely Exercise Sherman?
12 A. No.
13 Q. Exercise Hawk River?
14 A. No.
15 Q. Or Exercise Winchester Accord?
16 A. No.
17 Q. On the contrary, were those all exercises that were
18 delivered locally?
19 A. That's correct.
20 Q. Since 2019, have regions and local areas been able to
21 apply for funding support from CTX to support their CT
22 exercising?
23 A. They have, yes.
24 Q. What are the eligibility criteria in general terms?
25 A. They need to agree with a set of national principles and

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1 priorities of that year and of that time so that we can
2 agree that it's in line with the latest threat picture
3 and the latest priority or national exercising.
4 Q. Before 2017, were the CTX team's objectives and themes
5 for CT exercises driven in part by lessons arising from
6 previous exercises and the need to re-test?
7 A. Yes.
8 Q. Has that changed since 2017?
9 A. It has, yes.
10 Q. In what way or ways?
11 A. In that they are asked to locally deliver their
12 exercises. They will provide their recommendations and
13 they will be responsible for delivering on their
14 recommendations within their respective organisations.
15 Q. Again, I'll ask you whether, when you return, you could
16 please be in a position to assist us with whether that
17 change is wholly unconnected with the 2017 attacks or in
18 some way connected.
19 Finally on this topic, has Central Government
20 supported the sharing and embedding of lessons learned
21 by providing and funding something called the joint
22 organisational learning, or JOL, platform?
23 A. Yes.
24 Q. Was that set up in 2015?
25 A. It was, yes.

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1 Q. And could you explain to us in summary what that is,
2 please?
3 A. It's specifically for emergency services exercising.
4 It's a platform where post-exercising the
5 recommendations are identified. They can upload the
6 recommendations on to the platform, follow through on
7 how those recommendations are delivered against, which
8 will then provide learning for the whole of the UK and
9 the emergency services. Essentially, it's for sharing
10 the lessons learned in exercises so that other people
11 can take that learning.
12 Q. Thank you very much. That's all I want to ask you about
13 counter-terrorism exercising team and I believe we've
14 covered, have we not, the relevant evidence you have to
15 give about that issue?
16 Finally, so far as my questions are concerned, we'll
17 deal with the response at a Central Government level to
18 the Manchester attack. Does the UK Central Government
19 response to an emergency often require central
20 coordination?
21 A. Yes.
22 Q. Is that underpinned through the use of what you've told
23 us of already, namely the use of the Cabinet Office
24 Briefing Rooms or COBR?
25 A. That's correct.

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1 Q. Which is a physical location, usually in Westminster?
2 A. Yes.
3 Q. From which the central response is activated, monitored
4 and coordinated?
5 A. Yes.
6 Q. And providing a focal point for the government's
7 response?
8 A. Yes.
9 Q. And also an authoritative source of advice for local
10 responders?
11 A. Yes.
12 Q. Following the Manchester attack, was COBR activated?
13 A. It was, yes.
14 Q. Did that occur following discussions between the
15 Cabinet Office?
16 A. Yes.
17 Q. Number 10?
18 A. Yes.
19 Q. And the Home Office as represented through the OSCT?
20 A. Yes, it did.
21 Q. Was the first COBR meeting itself held at 9.30 am on
22 23 May?
23 A. It was, yes.
24 Q. And chaired by the Prime Minister?
25 A. Yes.

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1 Q. I think we can deal with this in summary. Thereafter,
 2 were daily meetings held until 29 May?
 3 A. Yes.
 4 Q. And the actions arising from those meetings can be seen,
 5 I believe, in the COBR action tracker?
 6 A. That's correct, yes.
 7 MR GREANEY: Thank you very much, Mr Hipgrave. As you know,
 8 you're going to return to deal with other topics later
 9 in our process, but those are my questions for now. I'm
 10 going to ask Mr Butt on behalf of CTPHQ whether he has
 11 questions. Thank you very much.
 12 Next, joining us by the link, I'm going to invite
 13 Mr Horwell to ask any questions he has on behalf of GMP.
 14 MR HORWELL: No questions, thank you.
 15 MR GREANEY: Thank you, Mr Horwell.
 16 Mr O'Connor on behalf of SMG.
 17 (Pause)
 18 Sir, Mr Weatherby is taking the lead on this issue
 19 on behalf of the bereaved families and I'll ask him to
 20 pose any questions that he has, please.
 21 Questions from MR WEATHERBY
 22 MR WEATHERBY: Good afternoon. Can you see me, Mr Hipgrave?
 23 A. Yes, I can, yes.
 24 Q. Can you hear me clearly?
 25 A. Yes, I can, yes.

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1 Q. Thank you very much.
 2 I represent seven of the bereaved families,
 3 including the Roussos family, and I ask questions on
 4 their behalf. Others represent other families,
 5 including Figen Murray, so I'm going to leave questions
 6 about Martyn's Law to them, not because, I emphasise,
 7 that there's any difference between the families, but
 8 simply because I don't want to tread on their toes. Do
 9 you understand that?
 10 A. Yes.
 11 Q. I want to start with a few general points, some of which
 12 have been touched upon, but they're important, so I'll
 13 move swiftly through them.
 14 I think you've told us that, and I'm paraphrasing
 15 of course, but the canvas on which counter-terrorism
 16 provision and policy lies is that the responsibility on
 17 private places, stadia, ticketed venues in particular,
 18 the context that we're talking about here, the
 19 responsibility is on the owner and the operator, quite
 20 clearly; is that right?
 21 A. Yes.
 22 Q. For purely public places, there's some responsibility on
 23 local authorities, councils, highways authorities, and
 24 likewise; yes?
 25 A. Yes.

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1 Q. And then in public spaces, privately or not, privately
 2 owned or not, there's a completely separate policing
 3 duty, but that's separate and complementary to the
 4 private responsibility; is that a fair way of putting
 5 it?
 6 A. What do you mean by --- you mean just normal policing ---
 7 Q. Yes.
 8 A. --- not counter-terrorism policing.
 9 Q. Yes.
 10 A. Yes.
 11 Q. I think we can just leave that on the shelf because what
 12 we're considering here is really the responsibility of
 13 owners and operators; is that right?
 14 A. We're considering those people who have accountability
 15 and ownership and operators for publicly accessible
 16 locations, yes.
 17 Q. Okay. So just touching briefly on grey spaces, the
 18 position with grey spaces is that they're spaces which
 19 have public access. But there's generally still an
 20 owner or an operator, so once again the responsibility
 21 rests on them, even though there may be complexities,
 22 both in terms of who's responsible and mitigating the
 23 risks; is that fair again?
 24 A. Yes, it's complex, that's definitely fair, yes.
 25 Q. Well, the point I'm trying to get through you is that,

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1 whereas there may be complexities, the principles remain
 2 the same: there's still somebody responsible and there's
 3 still a problem there?
 4 A. Yes.
 5 Q. A problem that has to be addressed. So if we come to
 6 the City Room, the physical and human security systems,
 7 the responsibility in terms of counter-terrorism fell on
 8 the owner or the operator, just like any other public
 9 space?
 10 A. Yes.
 11 Q. As we've heard, the problems were more complex because
 12 it had public access and a number of stakeholders.
 13 A. Yes.
 14 Q. So the canvas is more complicated and therefore the
 15 mitigation may have to be more complicated as well.
 16 A. Yes.
 17 Q. So it's not good enough to say that because risks are
 18 more complicated, then there's nothing we can do about
 19 them, is it?
 20 A. No, and that's not what the public would expect either.
 21 This would fit in the area of zones within our
 22 definition, so they all seem to have lines around them
 23 and what's left is a zone that is complicated as to who
 24 has accountability to keep that secure.
 25 Q. Yes, so essentially, a reasonable solution has to be

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1 found, whatever the complexities are?
 2 A. Yes.
 3 Q. Or the risk in that space is simply too high to have
 4 high-density crowds? So a solution has to be found?
 5 A. Yes, and that's the intention with the Protect duty.
 6 Q. I'm going to come on to that.
 7 In terms of the Home Office policy currently, I'm
 8 going to come on to where we're headed, but currently
 9 through NaCTSO and the CTSA system, that sits aside of
 10 the responsibility? There's no policy intent or
 11 actuality that the current system adopts or takes over
 12 any of the responsibility for counter-terrorism
 13 security, is there?
 14 A. Other than the advice that they currently give, no.
 15 Q. That's the point: it's guidance and it's advice?
 16 A. Yes.
 17 Q. But it's entirely voluntary and discretionary, as we've
 18 heard, and therefore it sits completely separate from
 19 responsibility. Is that fair?
 20 A. Yes, that's correct.
 21 Q. So would it be right also that the policy itself
 22 recognises that that must be made clear and is made
 23 clear to owners and operators?
 24 A. Yes.
 25 Q. So you'd expect the guidance set out, and you'd expect

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1 the CTSA's to make clear, as they go round doing their
 2 tasks, very clear, that they're not adopting the
 3 responsibilities which remain with the owners or the
 4 operators?
 5 A. Yes.
 6 Q. In terms of the CTSA system -- I'll deal with this point
 7 very swiftly because you've already touched upon it --
 8 you have mentioned that there's a huge number of
 9 publicly accessible locations, AKA crowded spaces, and
 10 there's a very small number of CTSA's, about 200? Yes?
 11 A. Yes.
 12 Q. So however excellent the advice and guidance that's
 13 given, it's obvious and obvious to all that it's spread
 14 very thinly, isn't it?
 15 A. Yes, but it's not just the 200 CTSA's that are the
 16 sources of guidance and advice.
 17 Q. No, I'm not suggesting that, and of course there is
 18 prioritisation, but nevertheless it's pretty clear to
 19 all involved that this is a thinly spread service. I'm
 20 not being critical of it for that, it's just a fact,
 21 isn't it? Would you agree?
 22 A. Yes. There are only 200 CTSA's, yes.
 23 Q. Yes. Therefore, where we're talking about a large
 24 venue, for example the arena, with complex issues and
 25 requirements, there's very clearly a need for a more

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1 comprehensive expertise than the state is currently able
 2 to provide? Is that fair?
 3 A. In relation to Manchester Arena, this is the area that
 4 we're looking at around proportionality. It is an
 5 expectation that those places -- and the arena has
 6 1 million customers per year -- would proportionately
 7 protect those, dependent on the vulnerability of those
 8 people. So the operational delivery of that security is
 9 a matter of guidance from CTSA's but our intent is that
 10 those organisations have a duty to protect those
 11 1 million people a year, and the threshold of how they
 12 resource that needs to be considered.
 13 I don't want to delve into the operational delivery
 14 of the arena, I don't think that's a -- I think that's
 15 a matter of...
 16 Q. Fair enough. In this context, I'm just using the arena
 17 as an example.
 18 But in a large venue with requirements for complex
 19 mitigations, of course CTSA's can be very helpful and
 20 of course the NaCTSO guidance can be extremely helpful,
 21 but the larger the problem gets, the more obvious it is
 22 that there's a requirement for more comprehensive
 23 expertise than can be provided under the current system.
 24 That must follow, mustn't it?
 25 A. Yes, that's common sense. I would reflect -- I go to

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1 many events, speaking about this in protection, and
 2 venues send their heads of security. The norm in
 3 industry is that, dependent on the size of your event,
 4 you would normally get an expert brought in as a head of
 5 security, for example.
 6 Q. Do you think this is something that needs to be made
 7 clear in the legislation being proposed, a requirement
 8 for proper CT expertise with venues over a certain size?
 9 A. I think it's certainly a strong consideration that needs
 10 to be looked at, yes.
 11 Q. In terms of reliance on CTSA's as experts -- well,
 12 I think you have probably just dealt with that, I'll
 13 move on.
 14 SIR JOHN SAUNDERS: Do you mind if I pursue that a little
 15 bit more?
 16 If a CTSA in a place like the arena comes in and
 17 says, "It's all fine, we've done the chart, no problem
 18 we've checked you", would you expect them to get outside
 19 expertise without being told by the CTSA, "You actually
 20 need some more advice"?
 21 A. It's a bit more operational than I would look into, to
 22 be honest, sir.
 23 SIR JOHN SAUNDERS: Okay, so it's not something you feel you
 24 can answer?
 25 A. No.

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1 SIR JOHN SAUNDERS: Maybe the next witness, particularly if
 2 she's heard the question, will be able to answer it
 3 later.
 4 Sorry, Mr Weatherby.
 5 MR WEATHERBY: Thank you very much.
 6 Picking up that point, just again at a high level
 7 here, that is a problem, isn't it? If a private company
 8 running a large venue gets in CTSA services, has
 9 a survey and action plan, it is a problem that they may
 10 think, rightly or wrongly, that that's enough to
 11 discharge their responsibility? Do you accept that?
 12 A. Yes, I think it's interesting that this inquiry has
 13 highlighted how do we, when making this legislation,
 14 assure ourselves that we're actually getting the impact
 15 that we want. So just ticking boxes won't be
 16 sufficient — I'm not saying anybody's ticking boxes in
 17 this case.
 18 SIR JOHN SAUNDERS: That's fine.
 19 MR WEATHERBY: We're all, I think, currently dealing with it
 20 as an example.
 21 SIR JOHN SAUNDERS: We're dealing with it hypothetically.
 22 MR WEATHERBY: We are. One way to deal with it would be to
 23 spell it out in the legislation, Mr Hipgrave, wouldn't
 24 it?
 25 A. Where there's opportunity to do that, I think

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1 it would — making any legislation that will have impact
 2 for the whole of the UK as clear as possible is
 3 absolutely what we're trying to do.
 4 Q. The legislation could require private concerns to have
 5 regard, but not to be wholly reliant on the NaCTSO
 6 guidance and the CTSA system, for example?
 7 A. It is a good example, yes.
 8 Q. So problems with the voluntary nature of the system.
 9 The key problem is that it relies upon voluntary
 10 adherence to it and enthusiasm for it; would that be
 11 fair?
 12 A. Yes, it is very fair, yes.
 13 Q. Just quoting you from — we don't need to look at it,
 14 paragraph 101 of your revised statement, you refer to "a
 15 broad range of responses".
 16 A. Yes.
 17 Q. That covers the point, doesn't it, that there is a range
 18 of take-up and a range of enthusiasm from private
 19 concerns for what they're being asked to do by CSAs?
 20 At one end of the spectrum you have a conscientious
 21 owner and operator who engages and adopts the action
 22 plan and, on the other end of the spectrum, you have
 23 a business that's maybe not so conscientious or is
 24 perhaps economically struggling and then there'd be
 25 a lot less enthusiasm and take-up of action plans may

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1 well be not followed through. Would that be a fair way
 2 of putting it? Is that what you mean by broad range of
 3 responses?
 4 A. So yes, but also if a commercial — and this is across
 5 all of the locations but you're talking about commercial
 6 ones. If they have — the public expect to be
 7 protected. In any commercial place they expect the
 8 reasonable steps to provide them security.
 9 In my conversations with DAC D'Orsi, one of the
 10 areas that we were pushing forward because of the
 11 Protect duty is the voluntary nature of it is just not
 12 providing that protection that ministers want.
 13 Q. That's where I'm headed, really. The fact is that there
 14 needs to be a framework, I think that's accepted, and it
 15 needs to be a framework which mandates, which requires
 16 rather than advises; is that right?
 17 A. Yes.
 18 Q. And that indeed, I don't think we need to turn it up,
 19 but you'll be familiar, I think, with the ISC
 20 recommendation LL, which expressed concern that there
 21 appears to be no way of mandating owners of public
 22 places to install necessary protective security. And
 23 also there was a need to clarify legal responsibilities.
 24 Those two points came out of the ISC report.
 25 A. Yes.

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1 Q. And am I right that those are accepted and built into
 2 this new proposed legislative programme?
 3 A. Yes. And I think I come back to the point I mentioned
 4 earlier, reinforcing that. We have consideration for
 5 fire, we have consideration for health, we have
 6 consideration for safety, and ministers have made it
 7 clear: we want people to do what's reasonable to have
 8 consideration for security.
 9 Q. Yes. Can you help us why it has taken until 2020 to
 10 actually realise this, that we need a mandatory
 11 framework rather than simply guidance and advice?
 12 A. There has been the work around the existing legislation,
 13 there has been looking at what we could do without
 14 bringing in new legislation. There has been a lot of
 15 activity in this area. COVID hasn't helped, but we
 16 acknowledge that it's taken longer than we would like —
 17 Q. Yes.
 18 A. — it to have taken.
 19 Q. Before I go on, I notice the time. I think I'll be less
 20 than 15 minutes. I'd be quite happy to carry on,
 21 subject obviously to your direction and subject to the
 22 views of the transcribers.
 23 MR GREANEY: I think going on for another 15 minutes will be
 24 fine.
 25 SIR JOHN SAUNDERS: Are you happy with that?

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1 A. Yes, I'm fine.
 2 SIR JOHN SAUNDERS: Thank you.
 3 MR WEATHERBY: Thanks very much.
 4 So the problems with a voluntary and discretionary
 5 system have in fact been known for a long time, haven't
 6 they?
 7 A. Yes.
 8 Q. It's not something that's suddenly arisen with the 2017
 9 attacks?
 10 A. It has always -- yes, it's always been -- sometimes --
 11 and DAC D'Orsi would talk more about this -- sometimes
 12 it's been feeling that we're trying to provide the
 13 advice, it's more of a battle to get security on the
 14 agenda, yes.
 15 Q. This is the point that Mr Greaney raised from
 16 Mr Roussos, really: why are we only doing it now? Can
 17 I ask you to have a look at {INQ035588/1}, please.
 18 I think you've seen this document recently.
 19 I think in your evidence so far, and I think in your
 20 statement, you haven't actually referred to the policy
 21 change in 2014. This document is the best document
 22 I can find which actually expresses the change in
 23 policy. This is actually an NPCC, National Police
 24 Chiefs' Council -- or as it then was, ACPO, the
 25 Association of Chief Police Officers -- explanation of

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1 it, but it is the best document I can see to do it.
 2 It refers in the first paragraph, 1.1, to:
 3 "A new approach to crowded places developed by
 4 NaCTSO and OSCT."
 5 So that's your position?
 6 A. Yes.
 7 Q. It was applicable from April 2014 and was basically the
 8 model that was still being applied at the time of the
 9 bombing, I think.
 10 A. It is, that's correct, yes.
 11 Q. 2.2 goes through the history of the crowded places model
 12 from 2008 and the Lord West Review.
 13 Then at 2.3, let me just read that out:
 14 "The 2008 model was interpreted and implemented
 15 inconsistently across forces in relation to site
 16 definition, advice delivery and prioritisation of
 17 effort. The model was also slow to demonstrate success
 18 in vulnerability reduction owing to reliance on physical
 19 measures such as bollards and increased vehicle
 20 stand-off distance."
 21 Then this:
 22 "The willingness of business to engage was reduced
 23 by the requirement to achieve expensive gold standards."
 24 So not only was it recognised, but a new model was
 25 brought in in 2014, which reduce the standard, didn't

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1 it?
 2 A. I'm not sure I'm reading that like that. I'm...
 3 I don't know what the term gold standard actually refers
 4 to in relation to protective security back then.
 5 Q. Well, let's just move on to 3.6 if we will. Halfway
 6 through that paragraph, the emphasis is on all activity
 7 being proportionate and something is better than
 8 nothing. Then this:
 9 "This positive approach is favoured by business."
 10 A. Yes.
 11 Q. So the position is clear, isn't it, that we start off
 12 with a model which produces a gold standard? The
 13 voluntary side of which is met by non-application of it
 14 by some private concerns. And therefore the model is
 15 then changed to reduce the standard so it's more
 16 palatable. Isn't that what we're reading there?
 17 A. I think you'll have to ask DAC D'Orsi on that. I think
 18 your point around the voluntary model didn't achieve the
 19 vulnerability protection that we wanted is a fair point
 20 and it is something, you know, even back then there
 21 was... It was an immature system in relation to
 22 protective security across the whole of the UK.
 23 But DAC D'Orsi -- this is a police document,
 24 DAC D'Orsi would know more about that.
 25 Q. I take that point, I will ask DAC D'Orsi about it.

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1 Just to finish on this point, it appears, doesn't
 2 it, that prior to 2014, CTSA's were advising businesses
 3 as to what mitigations they needed to meet assessed
 4 threats, and then post-2014 the policy, the new policy,
 5 recognised that with a voluntary scheme there had to be
 6 a compromise between mitigations that were needed and
 7 cost? That's really the bottom line with that document,
 8 isn't it?
 9 A. I can't speak to that document. I want to be helpful,
 10 but I wouldn't be able to answer to it.
 11 Q. Okay, well, moving away from that document, thank you --
 12 I'm not sure whether it's still on the screen, but if
 13 it is, please take it down.
 14 The reality is that commercial interests will always
 15 interfere with security if they're left to be voluntary,
 16 won't they?
 17 A. And the reality is we've been having a challenge with
 18 the boardrooms around providing appropriate protective
 19 security and that is why we're now moving towards
 20 a protective -- one of the many reasons we're moving
 21 towards a Protect duty.
 22 Q. Again, just to finish on this point, the fact that
 23 commercial interests will always be an interference if
 24 they're left to be voluntary has a knock-on effect on
 25 CTSA's because they don't only have to consider the

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1 mitigations, but they also have to consider what they
 2 can persuade the particular business to adopt? Is that
 3 fair?
 4 A. You don't always get access to the decision makers as
 5 a CTSA, you get access to the head of security or...
 6 certain people. The people you're trying to get your
 7 message and your influence to may well be the executives
 8 that you don't always get access to. So that is
 9 a challenge and has been a challenge.
 10 Q. Just to come back to the one-size-fits-all point that
 11 you made with questions from Mr Greaney. Does this
 12 point fundamentally recognise that for larger venues,
 13 venues with a larger capacity, there are likely to be
 14 greater risks or more complex risks perhaps but also
 15 greater resources to deal with those risks and therefore
 16 the framework that is being put together recognises that
 17 it may be appropriate to create a responsibility on
 18 larger concerns dealing with larger risks?
 19 A. I think that's quite a long question. I think --
 20 SIR JOHN SAUNDERS: They normally are here.
 21 A. If you've got 1 million people -- the vulnerabilities
 22 are higher the more people you have to protect. So yes.
 23 MR WEATHERBY: But also the likelihood is that greater
 24 resources will be available? Is that a fair point?
 25 A. In general, I think, yes. There's some speculation on

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1 that, but in general, yes.
 2 Q. Okay, but if you've got an operator, the owner of
 3 a stadium or an arena, who is potentially making large
 4 amounts of money out of their operation, nothing wrong
 5 with that, then not only are they likely to have greater
 6 risks because of their higher capacities, higher
 7 footfall if you like, but they're also likely to have
 8 the greater resources with which to deal with it?
 9 A. Yes.
 10 Q. Therefore it's proportionate to expect them to do more?
 11 A. Yes.
 12 Q. Finally, can I come back to the consultation, because it
 13 may just be me, but I didn't completely understand your
 14 evidence about this. You said there had been a complete
 15 refresh of the strategy, the publicly accessible
 16 locations strategy, as it now is, from 2019.
 17 A. Yes.
 18 Q. And following from that, and of course the campaign by
 19 Figen Murray and others has led on to a realisation by
 20 government that there need to be changes and therefore
 21 there needs to be a consultation, and that was announced
 22 in February.
 23 A. Yes.
 24 Q. Mr Greaney has made the point already, it is 2 years and
 25 9 months on, but now we're 3.5 years on, as we speak

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1 today. Some fairly basic questions are being put to
 2 you -- and I'm in no way being critical of you, please
 3 don't see this as a question critical of you -- but
 4 there are some pretty basic questions you're not able to
 5 answer. So for example, whether the proposals will have
 6 criminal sanction. Not decided yet, was your answer, as
 7 I understood it. Or who will do the enforcement of
 8 whatever measures are brought in. Pretty basic
 9 questions, aren't they?
 10 A. I didn't say it's not decided. It's still under
 11 consideration. Legislation and what is in it is
 12 a matter for ministers and it's not for me here giving
 13 evidence at this inquiry to predetermine parts of that
 14 legislation. I've already disclosed what is publicly
 15 known and what ministers have agreed, but whether it's
 16 criminal or civil is under consideration, how it's going
 17 to be delivered is under consideration. That's not to
 18 say that we haven't been thinking and looking at those
 19 options because we have. It's not for me to say that.
 20 Q. As I say, I'm not being critical of you, but how
 21 oven-ready, really, is this for a consultation?
 22 SIR JOHN SAUNDERS: Is that a reference to Brexit?
 23 MR WEATHERBY: It was perhaps a borrowed phrase from Brexit.
 24 A. The consultation document, the draft document, has been
 25 prepared. We were ready to go in September.

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1 Q. Right.
 2 A. That's how ready we were.
 3 Q. Okay. So the consultation document's ready?
 4 A. We were ready to go to consultation in September, yes.
 5 So the infrastructure everything ready to go to
 6 consultation you know, was oven-ready.
 7 Q. Okay. Does the consultation document include the cost
 8 implications of the proposed legislation and the changes
 9 that it would bring about?
 10 A. It consults on that area, but we will also -- in the
 11 normal way in preparing for new legislation, we will get
 12 an economic impact assessment provided.
 13 Q. As I understand it, many consultations, the cost
 14 implications are in fact in the proposal; is that right?
 15 A. Um... Probably. I would imagine. But I don't actually
 16 know.
 17 Q. Okay. You've referred to parliamentary requirements
 18 that mean that the consultation can't be done now. Can
 19 you elaborate on that, can you help us with that? What
 20 are the actual requirements of a consultation that can't
 21 be done now?
 22 A. The consultation can't be done now because it is
 23 considered that it won't be a meaningful consultation,
 24 we won't get the response because of COVID that would
 25 allow us to properly put new legislation to Parliament

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1 having considered all the impacts of that. So it's not
 2 really parliamentary -- it's not Parliament saying you
 3 can't do a consultation now, it's us saying that we
 4 wouldn't be able to do a meaningful one now.
 5 Q. Thank you for clarifying that because I had
 6 misunderstood you on that point. So it's perfectly
 7 possible to do a consultation now, but the government
 8 thinks that it would be less meaningful because of the
 9 COVID situation?
 10 A. Correct.
 11 Q. Consultations start with a public consultation document
 12 generally, don't they?
 13 A. Yes.
 14 Q. And I think you've just confirmed that the document is
 15 ready?
 16 A. Yes.
 17 Q. Could you help me? Is there a problem with providing
 18 the consultation document to the families and to the
 19 chair of this inquiry?
 20 A. It hasn't been approved by ministers, so it's only in
 21 draft, but I will see and I will ask the question.
 22 Q. Okay. I don't doubt that there are problems brought
 23 about by COVID with people being furloughed, as you've
 24 referred to in your statement, and there are
 25 difficulties with in-person meetings of course, but

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1 there are also workarounds.
 2 Of course, this inquiry was established by the
 3 minister.
 4 A. The Home Secretary, yes.
 5 Q. And one of the fundamentals of a public inquiry is that
 6 it makes recommendations. Therefore, on behalf of the
 7 families I represent, certainly, we would very much ask
 8 you to take this back to the minister and ask for the
 9 consultation document to be provided now so that the
 10 chair can consider it. Are you prepared to do that?
 11 A. Yes.
 12 Q. Indeed, we're coming towards the end of this section of
 13 the inquiry and it may be -- may be -- that the chairman
 14 will consider making interim recommendations on this
 15 particular issue given the passage of time and that
 16 would be the urgency of it.
 17 A. Yes. Any initial thoughts from the chair will be
 18 appreciated because bringing in new primary legislation
 19 that would have such an impact on this country, we want
 20 to get it right. So absolutely we are trying to, as
 21 I say in my statement, engage and consult with as many
 22 people as possible.
 23 MR WEATHERBY: Yes. The families won't disagree with you on
 24 that, Mr Hipgrave. Thank you very much for your
 25 answers.

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1 SIR JOHN SAUNDERS: We will break for lunch. Can I have
 2 some indication from people how many more people are
 3 likely to ask many questions, bearing in mind the
 4 witness is coming back and we do have another witness to
 5 finish?
 6 MR GREANEY: I believe only Mr Cooper and Ms McGahey remain.
 7 MR COOPER: Sir, yes. As Mr Weatherby very fairly
 8 indicated, he's left the Martyn's Law questions to us
 9 and there are few other subsidiary questions which
 10 I assure you have not been asked yet.
 11 SIR JOHN SAUNDERS: I hesitate but could I ask for a rough
 12 estimate of time?
 13 MR COOPER: I also hesitate giving an optimistic one and
 14 then being hung out to dry, as it were, when that
 15 doesn't happen. I would say 30 minutes.
 16 SIR JOHN SAUNDERS: Hung out to dry may be a bit harsh.
 17 MR COOPER: Forgive me if I am too graphic.
 18 SIR JOHN SAUNDERS: Okay.
 19 Any idea?
 20 MS MCGAHEY: At the moment I have no questions, sir.
 21 SIR JOHN SAUNDERS: Thank you.
 22 MR GREANEY: Sir, you will be keen that the evidence of
 23 DAC D'Orsi does not duplicate the evidence of
 24 Mr Hipgrave, so I'll seek to ensure that her evidence is
 25 focused upon truly new issues and principally upon the

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1 CTSA system.
 2 SIR JOHN SAUNDERS: Okay. Thank you very much. I'm sorry
 3 it's taken a long time.
 4 (1.19 pm)
 5 (The lunch adjournment)
 6 (2.15 pm)
 7 Questions from MR COOPER
 8 MR COOPER: As you know, I represent some of the families
 9 involved with this inquiry, including Figen Murray, as
 10 you've reflected upon her, for which I'm sure she's
 11 grateful for your well-meant remarks. Do you know also
 12 someone called Nick Aldworth?
 13 A. I do, yes.
 14 Q. A retired chief superintendent of the
 15 Metropolitan Police?
 16 A. Yes.
 17 Q. And you've read Martyn's Law, haven't you, you have read
 18 the document?
 19 A. Yes.
 20 Q. In the foreword by retired Chief Superintendent
 21 Aldworth, he says this:
 22 "In 2018 I met Figen Murray and learned that she too
 23 was concerned about the lack of security in places that
 24 could easily be used as terrorist targets. I was struck
 25 by this woman's humility, courage and compassion and the

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1 simplicity of what she called for."

2 Would you say it is perhaps not as simple as at

3 first light it would have appeared or is it a simple

4 measure that she's calling for?

5 A. Martyn's Law, you mean?

6 Q. Yes.

7 A. She has set out now the steps quite simply, but bringing

8 that into legislation isn't as simple as that.

9 Q. So effectively, the proposals of Martyn's Law are simple

10 enough, but it's the legislative process which is the

11 complicating factor?

12 A. Yes.

13 Q. And indeed, not only the complicating factor but the

14 delaying factor?

15 A. Yes.

16 Q. As far as you're aware, have the government, have

17 ministers always been of the view that Martyn's Law was

18 necessary?

19 SIR JOHN SAUNDERS: I think you need to define "always".

20 MR COOPER: I'll go to the point. A petition to implement

21 Martyn's Law was put up on the House of Commons website

22 and received many thousands of signatures. The

23 government responded -- and this was about 2 months

24 after 22 May 2017 -- that there was already adequate

25 legislation in place and that no further action will be

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1 taken, although they thanked her for raising the issue.

2 Were you aware of that?

3 A. I was aware of the petition, but those exact details,

4 I wasn't aware of.

5 Q. If that was the response, and an informed response, and

6 one presumes it was because it was put on a government

7 site underneath the petition. I'll repeat it again:

8 "There is already adequate legislation in place and

9 no further action will be taken."

10 But thanking Mrs Murray for her raising the issue.

11 Can it be taken from that that on 22 May 2017, the

12 government position was that the legislation was

13 adequate and no action needed to be taken?

14 A. I wasn't aware of that exact statement, but if that was

15 the statement at that time, I can't argue either way.

16 Q. I understand where we are now -- well, to a degree I do,

17 and I'll ask you a few more questions about that and

18 I'll move on to that. But I'm trying to establish with

19 you that if that statement, clearly authorised by

20 government to go on their website, one presumes, if that

21 statement is correct, then at the time of the Manchester

22 bomb the government's view, ministers' view, was that

23 the legislation was perfectly effective. That must

24 follow, mustn't it?

25 SIR JOHN SAUNDERS: If that's what they said, that what's

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1 they said, we have to assume that's what their view was.

2 MR COOPER: Thank you. I want to go straight to the

3 consultation process with you because you'll understand,

4 Mr Hipgrave, it's of considerable frustration to those

5 we represent the time this is taking.

6 I'm going to be blunt -- the reason you've given for

7 the delay on consultation is COVID; is that right?

8 A. That's correct, yes.

9 Q. I'm going to challenge that on instructions. I'm going

10 to challenge you that that isn't the reason. I want to

11 investigate that with you. How have you come to that

12 conclusion, what research and what materials have caused

13 you to come to the conclusion that COVID is delaying

14 this consultation procedure? I'm challenging you

15 directly that that's not the reason.

16 A. When we considered the position and the requirement to

17 have all of the stakeholders that would be part of the

18 Protect duty would have the appropriate focus on the

19 consultation, it was considered, and considered with

20 ministers, that because of COVID they would not be able

21 to properly focus on a meaningful consultation.

22 Q. Your words are important. Ministers decided that, did

23 they, that because of COVID, and COVID alone, it wasn't

24 capable of proper consultation? Think carefully,

25 please, because this could be important.

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1 A. I don't have to think carefully: as civil servants we

2 act on the instructions of ministers --

3 Q. Yes.

4 A. -- and we carry out the direction of ministers.

5 Q. Yes.

6 A. We provide advice and support, which is what we did in

7 this case, and the decision was made by the government

8 ministers that there wouldn't be enough focus because of

9 COVID for a meaningful consultation.

10 Q. It's those words: because of COVID. I'm not necessarily

11 suggesting there wasn't a view taken there wouldn't be

12 sufficient focus; it's the "because of COVID" point that

13 I am examining with you. And which minister took that

14 decision?

15 A. I'm not sure it's -- I don't even know what stance they

16 take on advice I give --

17 SIR JOHN SAUNDERS: At the moment it's government. You can

18 take advice whether you're able to reveal who the

19 minister was and when you come back you can tell us if

20 you are allowed to. Okay?

21 MR COOPER: Thank you.

22 Was it reduced to writing or in documentation that

23 a decision was made because of COVID? Is that in

24 writing anywhere?

25 A. Yes.

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1 Q. And subject to the chair's opinion, can you provide us
2 with that document?
3 A. The advice that civil servants give to ministers
4 normally isn't a matter for disclosure.
5 Q. I'm not asking for the advice given by the Civil Service
6 to ministers, I didn't think Civil Service advised that
7 COVID was a problem, I thought it was ministers that
8 said because of COVID. If of course the Civil Service
9 had said it then that's a different matter and different
10 questions. But given that you said to us that it was
11 a ministerial comment, that "because of COVID the
12 consultation was delayed", I'm asking for documentation
13 that evidences that (overspeaking).
14 A. That's noted, Mr Cooper.
15 SIR JOHN SAUNDERS: And you'll have to go back and ask and
16 then no doubt there will be a response to us.
17 MR COOPER: Can I suggest to you the reason this
18 consultation has been delayed may be because simply
19 ministers are of the view that now is not the time to do
20 it for a number of political reasons?
21 A. I mean, I... As I mentioned in my evidence before this
22 appearance, 10 days before the intended last appearance,
23 actually, I spoke with the Home Secretary. She
24 absolutely has the intent to consult and move forward on
25 the Protect duty. There is no underlying reason that

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1 that is not going to happen and the reasons for not
2 going forward with the consultation now are COVID.
3 I have to say, Mr Cooper, that because we're not
4 doing the consultation now doesn't mean to say that
5 we are not using the time productively so that
6 post-consultation we will be able to move as quickly as
7 possible towards putting forward legislation.
8 Q. The first question I asked you -- and you'll understand
9 that my questions, as is my professional duty, are
10 very -- and willingly I present them -- driven by
11 instructions that I have. Did you hear Figen Murray's
12 evidence a few days ago?
13 A. I did, yes.
14 Q. And one of the observations she made was that wouldn't
15 it be tragic if, during this drawn-out period of
16 consultation, another atrocity occurred and people lost
17 their lives.
18 A. It would be -- every single death, every single
19 terrorist atrocity is a tragedy. I'm a member of the
20 public as well as a civil servant and all of the teams
21 in OSCT who are working on this acknowledge that and we
22 deal with these matters all of the time.
23 Protective security is one part of the system. The
24 Prevent and Pursue reduces the threat as well, so it's
25 part of a system. Just because we get better protective

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1 security through the Protect duty doesn't automatically
2 stop terrorist attacks happening.
3 Q. I understand that. Can I try and dig into that
4 Civil Service answer, if I may say so, and put it to you
5 directly? I put it to you directly again: there is
6 a risk here, is there not, whilst this process is
7 undertaken, that another atrocity could occur and people
8 lose their lives?
9 A. There is that risk, yes, and it is our job, certainly in
10 my area, to mitigate against that risk on protection and
11 preparedness, and in the other areas around reducing the
12 threat.
13 Q. We've heard that there is a parliamentary requirement
14 that online consultation cannot take place. Can you
15 help us, where does that requirement come from?
16 A. I can't help you much more than that. I don't have the
17 details.
18 Q. You'll understand that one of the observations being
19 made by Figen Murray, and certainly in her statement
20 that the inquiry have had, is that why can't there be
21 some form of online intervention in this consultation
22 and we're simply being told it's something to do with
23 parliamentary requirements. Could I again, without
24 exacerbating the chair's patience, call upon
25 documentation again which says that?

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1 A. That doesn't change -- whether it's an online
2 consultation or the process of consultation doesn't
3 change that you can't have a meaningful -- it is thought
4 that you can't have a meaningful consultation unless
5 you have the focus of the stakeholders. So the problem
6 with COVID is there are people on furlough, there are
7 people doing different things, their focus is on health
8 and safety at the moment. And whether it's online or
9 not, that wouldn't change the consultation.
10 Q. My question again: can we have the documentation or any
11 rule that indicates that it's a parliamentary
12 requirement that online consultation cannot take place?
13 A. Okay, that question, again, is noted.
14 Q. Because it has been put, not necessarily by you, but
15 enforced by you -- it has been put by other witnesses as
16 well and by other information we have, that
17 Figen Murray's suggestion and the Martyn's Law
18 suggestion, the consultation process, at least for some
19 tranche of people, at least for a section of people,
20 cannot take place because of a parliamentary
21 requirement. And my question is designed to find out if
22 that is so or, if it is not so, whether it is a decision
23 that has been made not to use online, when online could
24 be used. That's what I'm driving at, do you understand?
25 What I am going to suggest to you is that there may be

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1 a line between us on this in the sense that some online
 2 consultation could take place rather than simply
 3 a blanket no online consultation. Some people may not
 4 have such detailed or complex answers that could use
 5 online, couldn't they?
 6 A. I'm here to be helpful. You're asking questions that
 7 are helpful to the inquiry. We will support that and be
 8 as helpful as possible.
 9 Q. I'm sure.
 10 SIR JOHN SAUNDERS: If you can give the answer, then give
 11 the answer as to what the restrictions are, please.
 12 MR COOPER: The individuals -- you have told us that the
 13 consultation has already started. Did I understand that
 14 correctly?
 15 A. We have been doing pre-consultation engagement -- so the
 16 consultation hasn't started but we have been engaging
 17 with various elements of the security community and
 18 stakeholder community, such as local authority,
 19 chief executives, security industry, organisations like
 20 that. And that will continue pre-consultation.
 21 Q. Let me understand this: this action, this process, is
 22 a direct result of what happened at the arena on 22 May
 23 or, alternatively, a direct result of Figen Murray and
 24 Martyn's Law initiative?
 25 A. The attacks in 2017, the recommendations that came out

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1 from the various reviews and reports, Figen Murray's
 2 work, the threat analysis, a survey and a review of the
 3 industry. So there's multiple reasons, but absolutely,
 4 Figen has absolutely amplified the Martyn's Law point
 5 with ministers.
 6 Q. Of the pre-engagement meetings you've had, have you had
 7 them with SMG or ShowSec yet?
 8 A. No, we've had them with representatives of the security
 9 industry, none from the Arenas Association, but that's
 10 planned.
 11 Q. Would you agree that should be top of your list given
 12 that this is an initiative -- and I asked the question
 13 beforehand for a reason, as you'd expect, that much of
 14 this is driven by Manchester Arena. SMG and ShowSec
 15 should be at the top of the list of people you're
 16 speaking to, shouldn't they?
 17 A. Engagement with those -- it's complicated because we are
 18 a core participant and we are part of this inquiry as
 19 well, so having an engagement specifically with those
 20 two organisations right now is quite complicated within
 21 this inquiry context. But those organisations and
 22 organisations like that, yes.
 23 Q. Did I hear you right when you said that the consultation
 24 document was already to go and was ready to go in
 25 September but is not approved by ministers? Did I hear

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1 you say that?
 2 A. So there are some processes -- before we can consult,
 3 we have to write round government and get approval from
 4 different departments. That part hadn't been done yet.
 5 Q. So the document's ready to go in September, it's not
 6 a draft document any more, it's ready to go in
 7 September, and so the delay between September and
 8 November is getting approval by ministers?
 9 A. It is a draft document because there may be comments
 10 made by other departments. But from an OSCT point of
 11 view, it is --
 12 Q. So the document, certainly subject to comment from other
 13 governmental departments, has been ready to go
 14 since September, so 2 months on you're still waiting,
 15 not your blame, but you're still waiting for response
 16 from other government departments and you have probably
 17 been waiting for them now, on what you say, for about
 18 2 months?
 19 SIR JOHN SAUNDERS: Have they gone to the other departments?
 20 No? I think they still need to go still.
 21 MR COOPER: Then my next question is --
 22 SIR JOHN SAUNDERS: Let me do it for you: why haven't they
 23 gone yet?
 24 A. Because the ministers' decisions were to hold it pending
 25 COVID for the time being, so we have stayed sending it

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1 round, right round.
 2 MR COOPER: What has COVID got to do with sending it to
 3 government departments? Some may, not for me to say,
 4 either agree or disagree with the COVID explanation
 5 being given to why the consultation to companies and to
 6 people out there in the nation -- but government
 7 departments? What's COVID got to do with sending it to
 8 government departments? Unless it's an excuse.
 9 A. It isn't an excuse. We have got the document ready to
 10 go.
 11 Q. Good.
 12 A. I'm being... So the Department for Health are quite
 13 busy at the moment. MHCLG are busy at the moment. So
 14 in the same way that we haven't sent it out for public
 15 consultation, there are areas across government that are
 16 focused on COVID. But I can assure you that when we get
 17 an opportunity to consult, there won't be any delay in
 18 doing that.
 19 Q. Can I suggest --
 20 SIR JOHN SAUNDERS: How long does it take to get things back
 21 from other departments when you're proposing to do that
 22 normally?
 23 A. We can put a deadline on it, but normally it needs 1 or
 24 2 weeks for them to consider it.
 25 SIR JOHN SAUNDERS: Thank you.

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1 MR COOPER: Can I suggest to you that whilst there seem to
 2 be fine words emanating from governmental departments on
 3 Martyn's Law and protecting people in public places, the
 4 actions do not support that, do they?
 5 A. I don't agree with that. I think you've seen, both from
 6 me and Figen Murray, from various ministers and the Home
 7 Secretary, that their intent is and my intent is
 8 absolutely clear.
 9 Q. Indeed, there have been extremely positive meetings and
 10 positive words expressed, but I'm asking you about
 11 actions and I'm asking you about actions, for instance,
 12 at least sending them to governmental departments, and
 13 at least giving them the opportunity, however busy they
 14 may be, to peruse this document.
 15 Let me put the analogy. In any job, in any
 16 pressured job, you still get correspondence and emails
 17 sent to you on other matters which you have to decide
 18 whether you look at it or whether you don't look at it.
 19 Why not just send it?
 20 A. I will note that.
 21 Q. All right. I don't want it to be interpreted that I'm
 22 sending you hostile, which I'm not, questions to you
 23 personally, but you're obviously here and you'll
 24 understand the questions are driven by what concern the
 25 families have.

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1 A. I am a civil servant, so I'm here to be challenged.
 2 SIR JOHN SAUNDERS: Okay, that's the challenge then.
 3 MR COOPER: There it is.
 4 I want to move on to just a few other matters with
 5 you. Again, you can probably reassure us on some of
 6 these. I want to ask you not so much on what's
 7 happening now but what was happening then in May 2017.
 8 Do I understand this correctly, that the driving
 9 definition there was in relation to:
 10 "Crowded places which were locations frequented by
 11 the public, which are possibly a terrorist target by
 12 virtue of their crowd density"?
 13 Was that the driver in May 2017?
 14 A. We read the quite long definition earlier, but in
 15 general, yes, a crowded place was determined by crowd
 16 density, whether it was an iconic site, the
 17 attractiveness of it, yes.
 18 Q. In the case of the arena, that intermittently had a lot
 19 of crowd density and certainly did on the night of
 20 22 May, 14,000—odd or so — and more — there were other
 21 times when it was virtually empty, dark days for
 22 instance.
 23 A. Yes.
 24 Q. Did that impact upon whether it was pushed up the agenda
 25 in terms of being highlighted as an area of

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1 dangerousness? I'll put it a simpler way. Was it only
 2 considered a significant risk on event days but not so
 3 perhaps on dark days?
 4 A. So the arena was a priority location, and therefore was
 5 given prioritisation by CTSAs, by CT police. I don't
 6 know about dark days. That is more of an operational
 7 issue.
 8 Q. Just in terms of a policy and approach to crowded
 9 places — I'm using the expression as it was in 2017 —
 10 would you be able to — subject to the chair feeling
 11 it's appropriate and if not, not — would you be able to
 12 make any further enquiries as to whether there was
 13 a delineation between the way one venue was treated
 14 dependent on whether that single venue such as the arena
 15 was either busy or quiet?
 16 SIR JOHN SAUNDERS: Can you stop for a moment? I think
 17 you're being asked to may further enquiries if you can.
 18 It may just be me, but it's actually quite difficult to
 19 see how that works in practice that you can say: well,
 20 on the days you've got an event you're a priority, but
 21 when —
 22 MR COOPER: It doesn't. And I want to be reassured that
 23 that doesn't happen effectively, particularly given that
 24 during dark days there was activity there which needed
 25 to be noted. That's the only question.

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1 It may well be you can reassure us that that wasn't
 2 the case. The only reason I'm asking the question is
 3 because at that time the driver was density.
 4 A. Yes.
 5 Q. And you have —
 6 A. But in 2017 Manchester Arena was a priority location.
 7 Q. All the time?
 8 A. Yes.
 9 Q. 24/7, as it were?
 10 A. I'm not going to talk about numbers, but there were
 11 priority locations and they were priority locations full
 12 stop. Whereas now, we are moving to publicly accessible
 13 locations because that creates — that methodology back
 14 then creates a gap —
 15 Q. I understand.
 16 A. — which we're closing.
 17 Q. That's reassuring then for the families to hear that
 18 at the time of this atrocity Manchester Arena was an
 19 area of concern, for want of a better expression, 24/7,
 20 it was continual.
 21 A. Yes. But DAC D'Orsi or operational delivery will be
 22 able to give you a better (inaudible word) on that.
 23 Q. That's very helpful, thank you.
 24 This, please: we know at the time of this atrocity
 25 that the national threat level was severe —

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1 A. Yes.
 2 Q. -- but the arena threat level was low. If you can't
 3 answer this question, say so, of course. In your view,
 4 what effect should the national threat level of severe
 5 have had on the arena in terms of their approach to
 6 security, personal security, public security?
 7 A. That they should acknowledge that there is -- it's
 8 highly likely that there could be a terrorist attack.
 9 Q. When you say acknowledge, acknowledge in what way?
 10 A. In the way that they should then risk assess and
 11 mitigate against that.
 12 Q. So in other words, if the threat level as it was, as
 13 it is now, is severe, would you be surprised then, are
 14 you surprised, to hear that the arena level at the time
 15 was low?
 16 A. On the face of it, that's obviously not accurate because
 17 I've heard evidence that --
 18 SIR JOHN SAUNDERS: You've heard what's been said. I think
 19 the low was done on not taking terror into account,
 20 wasn't it?
 21 A. Yes.
 22 MR COOPER: Let me finish the question: should terrorism
 23 have been taken into account?
 24 A. Yes.
 25 Q. There it is.

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1 SIR JOHN SAUNDERS: Thank you.
 2 MR COOPER: I want to ask you another defined question,
 3 please, about whether the nature of an artiste, his or
 4 her background, or connections or what they may have
 5 said in public, anything of that, should impact upon the
 6 level of security in a place of public entertainment
 7 when they are performing. Let me put the flesh on that.
 8 Ariana Grande, as we know, was American.
 9 A. Yes.
 10 Q. Nothing as far as she's concerned, but she represented
 11 America. Should that be a factor that should be taken
 12 into account when considering the level of threat given
 13 that a lot of targets, nationally or internationally,
 14 tend to be associated with America and those appalling
 15 people who wish to terrorise America?
 16 A. So the answer is yes, but I don't necessarily understand
 17 it in the America context. The answer is yes because,
 18 currently, French locations, not just in France but
 19 around the world, are currently at a higher threat than
 20 others. So therefore, there are -- sometimes there are
 21 factors around certain countries that will determine the
 22 risk. We are seeing this publicly in the media with
 23 France as a really good example.
 24 Q. So therefore the fact, perhaps, that whoever the
 25 American artiste was, and in this instance it was

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1 Ariana Grande, that should be a matter which should be
 2 taken into account by those providing security at
 3 a venue, do you agree?
 4 A. As I say, on the principle of that, yes. But
 5 Ariana Grande, America, in 2017, I don't know --
 6 SIR JOHN SAUNDERS: You're not prepared to comment on the
 7 particular incident, but as a general principle, the
 8 nationality of the artist and perhaps their religion may
 9 be something that could affect their vulnerability to an
 10 attack and therefore those who attend their concerts?
 11 A. Absolutely. This is why when we're moving to PALs,
 12 groups are a part of that. Faith groups, very
 13 specifically, there is a threat against certain faiths.
 14 So in groups, that could also consider international
 15 interests as well.
 16 MR COOPER: Thank you.
 17 You told us this morning, post-2017, about lessons
 18 learned and the understanding of terrorism and how it is
 19 changing and the lessons learned and steps put in place.
 20 Did it really take a bomb in Manchester Arena on
 21 22 May 2017 for the atrocities that a terrorist can
 22 cause to demonstrate that such changes needed to be
 23 made?
 24 Let me put it in context. Earlier, Bataclan, for
 25 instance, amongst crowded places, there was an atrocity.

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1 At the Stade de France, there was an atrocity. There
 2 have been bombing atrocities in crowded places for
 3 decades: the IRA, for instance, we know, the Birmingham
 4 bomb in 1974, Harrods, Manchester Arndale, indeed in
 5 Manchester in the Lewis's store, another bomb. It's not
 6 as it were a drastic revelation, is it, that bombs are
 7 set off by murderers in crowded places?
 8 A. That's why the term PBIED or VBIED is around.
 9 Unfortunately, what you're saying is correct. However,
 10 the work even from Bataclan and before that was ongoing
 11 responding to the different threat types and the risks
 12 that we were seeing here in the UK.
 13 So pre-2017, the CTSA system, the advice from
 14 government and the policy from government was all
 15 acknowledging this kind of threat. But 2017 was an
 16 awful year for this country and we have acknowledged as
 17 a government from the reviews and the recommendations
 18 that have come out of those reviews that we needed to
 19 change and shift the dial.
 20 SIR JOHN SAUNDERS: The general question is: would it be
 21 a fair criticism to say that the government have
 22 generally been too reactive and not sufficiently
 23 proactive?
 24 A. Pre-2017, before I joined the Civil Service ...
 25 SIR JOHN SAUNDERS: So it's not your fault!

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1 A. I can't really comment. What I would say, right now,
 2 since then, the amount of work and work at pace that
 3 we've been doing to respond to that and also the
 4 changing threat has been huge in lots of different
 5 areas.
 6 SIR JOHN SAUNDERS: I suspect if you came in in 2017 you'd
 7 have some idea whether they had been too reactive and
 8 not proactive enough before you came, particularly if
 9 you were having to do a lot of catching-up.
 10 A. Yes. I would imagine arriving in 2017, yes. But
 11 I can't speculate on that. The facts are that we had
 12 these awful events in 2017.
 13 SIR JOHN SAUNDERS: And in fairness to you, there's a lot of
 14 it about, terrorism. To an extent one can only be
 15 reactive because there's just so much and it does change
 16 and there's a different threat, a lot .
 17 A. It 's despicable. What happens, how they plan, how they
 18 then carry out their attacks are awful and has lasting
 19 impact. I couldn't say there won't be another terrorist
 20 attack.
 21 MR COOPER: Of course.
 22 A. But we do everything we can that's necessary and
 23 proportionate to try and reduce vulnerabilities and
 24 reduce the threat.
 25 Q. These questions are not personally directed attacks on

1 anyone, I assure you, and we're all aware of the
 2 difficulties created by these murderous individuals.
 3 I am coming to a conclusion now, but I will press
 4 you with the inquiry's leave: I suggest to you that
 5 reacting in 2017, the government were far too slow,
 6 weren't they? There was a wealth of information before
 7 2017. However seminal that year was, there was a wealth
 8 of information. I can ream off bomb attacks, it is
 9 tragic the fact that I can, starting decades ago. But
 10 others, very close to 2017, and my question is this:
 11 would you accept the government were far too slow in
 12 reacting to the dangers presented by terrorists such as
 13 Salman Abedi?
 14 A. I'm not going to comment on that because I don't have --
 15 that's speculation. I don't have the ability to comment
 16 on that. And it is your point and it's a point on
 17 behalf of the families and I would feel in the same
 18 position, but I don't think I can comment on that.
 19 MR COOPER: I won't press you, but it's fair I put the point
 20 to you though.
 21 Thank you, sir.
 22 SIR JOHN SAUNDERS: Thank you very much.
 23 MR GREANEY: Sir, I'll check whether Ms McGahey does now
 24 have questions.
 25 MS McGAHEY: No, thank you, sir.

1 MR GREANEY: That concludes the evidence of Mr Hipgrave
 2 subject to any questions from you.
 3 SIR JOHN SAUNDERS: I am very grateful. It has been longer
 4 than we intended but thank you very much for coming.
 5 I am sorry it is the second time and that you have to
 6 come back.
 7 MR GREANEY: Sir, I think we will need to clean the witness
 8 box before the next witness and also Mr Hipgrave has to
 9 leave the witness box.
 10 SIR JOHN SAUNDERS: All right.
 11 MR GREANEY: I think it's better if you rise for a few
 12 moments.
 13 (2.53 pm)
 14 (A short break)
 15 (3.04 pm)
 16 MR GREANEY: Sir, I'm going to ask that the next witness,
 17 Deputy Assistant Commissioner D'Orsi, be sworn, please.
 18 DAC LUCY D'ORSI (sworn)
 19 SIR JOHN SAUNDERS: Please sit down. I'm very sorry that
 20 you've been kept waiting yet again, having been here for
 21 a whole day beforehand.
 22 A. Thank you.
 23 SIR JOHN SAUNDERS: I'm sure you've been chafing at the bit
 24 to get going. We are at least going to get going today,
 25 although I think it's unlikely, I'm afraid, that we're

1 going to finish with your evidence and we're going to
 2 have to ask you to come back. I apologise for that.
 3 I'm sure it's extremely inconvenient.
 4 A. That's fine. I understand the circumstances. Not
 5 a problem.
 6 SIR JOHN SAUNDERS: You have, I think, heard the evidence
 7 which has been given today, which may help focus and
 8 restrict more what we're going to concentrate on with
 9 your evidence.
 10 A. Yes, I have.
 11 SIR JOHN SAUNDERS: Thank you.
 12 Questions from MR GREANEY
 13 MR GREANEY: Thank you very much, sir.
 14 Would you begin, please, by telling us your full
 15 name?
 16 A. Lucy Claire D'Orsi.
 17 Q. Did you join the Metropolitan Police service in 1992?
 18 A. Sir, before I answer that question, I would like to
 19 start by offering my sincere and heartfelt condolences
 20 on behalf of Counter-terrorism Policing to the families
 21 of those who were murdered in the attack and their
 22 friends and all of those people who were injured.
 23 Q. Thank you very much indeed.
 24 So I'll repeat my question: did you join the
 25 Metropolitan Police service in 1992?

1 A. Yes, I did.
 2 Q. Are you currently a deputy assistant commissioner within
 3 specialist operations?
 4 A. Yes, I am, in Counter—terrorism Policing.
 5 Q. And I was going to add that specialist operations forms
 6 part of National Counter—terrorism or CT Policing?
 7 A. Yes, it does.
 8 Q. Does your current role report into Counter—terrorism
 9 Policing?
 10 A. Yes, it does.
 11 Q. And do you have responsibilities for protective
 12 security, both within the Metropolitan Police service
 13 and also nationally?
 14 A. Yes, I do, and my London responsibilities are around
 15 royalty and specialist protection, parliamentary and
 16 diplomatic protection, aviation and protective security
 17 operations.
 18 Q. And your national responsibilities?
 19 A. My national responsibilities are around Protect and
 20 Prepare as part of the CONTEST strategy.
 21 Q. Before we turn to deal with Protect and to a lesser
 22 extent Prepare, I'm going to ask you about what you
 23 describe as "the 2017 context", so the context really
 24 for the evidence that you're going to be giving to us
 25 about CTSAs and so on.

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1 Did the terrorist attacks in London and Manchester
 2 in 2017 mark a watershed moment for UK society, the
 3 emergency and intelligence services, and in particular
 4 Counter—terrorism Policing?
 5 A. Yes, they did, and it's certainly my view, and that of
 6 my colleagues, that the attacks and the other disrupted
 7 attacks plots were unprecedented in terms of their pace,
 8 the diversity of methodologies, the target of attacks,
 9 and the origin of the threat.
 10 Q. As well as the five terrorist attacks that took place in
 11 2017, were there a total of 13 disrupted attack plots
 12 in the United Kingdom between 22 March 2017 and
 13 28 November of that year?
 14 A. Yes, there were. Those plots involved a number of
 15 different types of attack methodologies, including the
 16 intent to use explosive devices and firearms as well as
 17 knives and vehicles as weapons.
 18 Q. We don't need to put on the screen, but so that it's
 19 available in due course if needs be, you have appended
 20 to your first witness statement, as appendix 1,
 21 a document that sets out where the terrorist attacks
 22 came in the order of the various attacks and attempted
 23 plots?
 24 A. Yes, that's correct.
 25 Q. Between April of 2017 and March of 2018, did the number

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1 of intelligence leads jointly managed by MI5 and
 2 Counter—terrorism Policing increase?
 3 A. Yes, they did. They more than doubled and the number of
 4 arrests also rose by 17%.
 5 Q. As we know, on two occasions during that period,
 6 including in the aftermath of the Manchester attack, the
 7 UK threat level was increased from severe to critical.
 8 A. Yes, that's correct.
 9 Q. And in fact, as you inform us in your statement,
 10 resulted in the deployment of military personnel into
 11 the public domain?
 12 A. Yes, and that's under Operation Temperer.
 13 Q. So to summarise the position, you explain that the
 14 context that you have just described demonstrates that
 15 the tempo of policing activity across this period was
 16 not only significant but also unprecedented?
 17 A. Yes, that's correct. I've also put that at the time,
 18 the head of MI5, Andrew Parker, summarised the position
 19 in October of 2017. If I could read what he said, he
 20 publicly stated:
 21 "Today there is more terrorist activity coming at us
 22 more quickly and it can be harder to detect. It is
 23 multi—dimensional, evolving rapidly, and operating at
 24 a scale and pace we have not seen before."
 25 Which I think describes it very well.

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1 Q. I was asking to whether you agreed with his remarks and
 2 you plainly do.
 3 A. Yes.
 4 Q. Next I am going to ask you about the structure of
 5 Counter—terrorism Policing in the United Kingdom. Some
 6 parts of this, as you've heard, have been dealt with by
 7 Mr Hipgrave and we won't be repeating his evidence.
 8 I'm going to ask that there be placed on the screen
 9 a diagram which is appendix 2 to your first witness
 10 statement. I'll give the INQ reference: {INQ025466/25}.
 11 I'm not going to go through every square or
 12 rectangle, but we'll have that on the screen so we can
 13 see where the various bodies fit into the various
 14 relationships as we identify them.
 15 The Office for Security and Counter—terrorism, OSCT
 16 as we have heard, is the lead government body for
 17 developing, coordinating and implementing the CONTEST
 18 programme. Is the OSCT the policy partner for
 19 Counter—terrorism Policing?
 20 A. Yes, it is.
 21 Q. And indeed for all policing services that deliver
 22 operational CT activity?
 23 A. Yes, that's correct.
 24 Q. At the top we see Her Majesty's Government. Immediately
 25 beneath it and in parallel with the Cabinet Office and

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1 the Protect board is the OSCT. Beneath the OSCT we have
 2 the National Police Chiefs' Council, formerly known as
 3 ACPO, and beneath that we have the National
 4 Counter—terrorism Policing Headquarters, now I think
 5 known just as Counter—terrorism Policing Headquarters.
 6 A. That's correct. There is a body in between that, which
 7 is the Counter—terrorism Coordination Committee, which
 8 does have representatives of the chiefs' council that
 9 sits in between it.
 10 Q. I don't believe we need to learn any more about the
 11 National Police Chiefs' Council, but could you explain
 12 to us, please, what the National Counter—terrorism
 13 Policing Headquarters is?
 14 A. Yes. That sits there at the centre, really, in
 15 a coordination capacity, it hasn't got an operational
 16 delivery arm to it. But the policing headquarters is
 17 where we sit and we consider all of the various
 18 different policies, how that comes together. In the
 19 context of some of the evidence this morning, that's
 20 about considering the recommendations that have come out
 21 of learning that's come out and it's more — in a simple
 22 way I would couch it as the strategic centre for
 23 Counter—terrorism Policing. That is led by Assistant
 24 Commissioner Neil Basu and sitting underneath him he has
 25 two deputies, which is myself and my colleague, and we

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1 lead on two of the four Ps. I lead on Protect and
 2 Prepare, and my colleague leads on Pursue and Prevent,
 3 and then we have our structure that sits underneath us.
 4 And you can see in terms of the Protect and Prepare
 5 structure, you can see directly beneath that the
 6 national coordinator for Protect and Prepare, and
 7 that is the deputy working to me.
 8 Q. Then in red, beneath that office, we have NaCTSO, an
 9 organisation that we are familiar with. Is NaCTSO
 10 Counter—terrorism Policing's public—facing body?
 11 A. Yes, it is. It's responsible for taking together the
 12 amalgamated knowledge of counter—terrorism partners and
 13 it turns it into operational protective security
 14 guidance and obviously falls under the Protect and
 15 Prepare strands of CONTEST. So it's very much that
 16 public—facing aspect of this system.
 17 Q. And one of the things we know very well that it does is
 18 to produce literature on Protect type issues?
 19 A. Advice, yes.
 20 Q. And advice?
 21 A. Yes.
 22 Q. I'm going to jump forward in your witness statement for
 23 one moment, because I can see obviously that you're
 24 following it very closely, to paragraph 30. Just to
 25 deal at this stage with the history and structure of

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1 NaCTSO.
 2 When was NaCTSO created?
 3 A. NaCTSO was created around about 2002 and it was in
 4 recognition of the specialist security, protective
 5 security advice that was needed to counter the threat
 6 from terrorism predominantly as a result of following
 7 the 9/11 attacks in 2001 and the anthrax attacks in the
 8 United States and the suspected ones here in the UK in
 9 2001.
 10 It agreed to develop and deliver the crowded places
 11 guidance and it wasn't until the publication of the
 12 first government's national security strategy in
 13 March 2008 that we stepped up the efforts and
 14 centralised that formalised policy, which I think Shaun
 15 talked about earlier.
 16 Q. Just to make sure I am clear about the chronology, even
 17 if everyone else is.
 18 2002, about then, NaCTSO is created. 2005, NaCTSO
 19 agreed to develop and deliver the crowded places
 20 guidance. But it wasn't until the publication of the
 21 first government national security strategy in
 22 March 2008 that efforts were stepped up and
 23 a centralised formalised policy and approach led by OSCT
 24 was started?
 25 A. Yes, that's correct, because the role of policing is to

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1 operationalise the policy.
 2 Q. In May 2017 — I'm now at paragraph 31 — what was
 3 NaCTSO comprised of?
 4 A. Approximately 11 members of staff.
 5 Q. Who led NaCTSO?
 6 A. It was led by a chief inspector. They were responsible
 7 for setting standards and informing operational policy.
 8 There was an inspector who coordinated three core teams
 9 and they each consisted of a sergeant and a couple of
 10 constables, all police staff. The core teams focused on
 11 some particular areas which are counter—terrorism
 12 awareness, crowded places and personal security and
 13 hazardous sites and substances, and of course the
 14 critical national infrastructure.
 15 Q. So as we know, NaCTSO was responsible for, among other
 16 things, or at least had within its remit, the Protect
 17 strand of CONTEST, and unsurprisingly, therefore, one of
 18 the three core teams dealt with the issue of crowded
 19 places; is that correct?
 20 A. That's right.
 21 Q. I'm going back now to {INQ025466/3} of your witness
 22 statement, paragraph 13, please.
 23 Does NaCTSO have many partners who contribute with
 24 it to countering terrorism?
 25 A. Yes. I think countering terrorism is a whole system

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1 approach and does require us to work collaboratively
 2 with a number of partners. You've heard about OSCT.
 3 JTAC, which I know Shaun touched on earlier, which is
 4 a critical partner. The Centre for the Protection of
 5 National Infrastructure, CPNI, MI5, who of course
 6 investigate the threats to national security. I would
 7 say they are our main partners. And certainly I've seen
 8 an evolution over the last 4 years that another partner
 9 of ours is the business sector as well. We work very
 10 closely from the Protect side with the business
 11 community.
 12 Q. Is that a development since May 2017 or was it starting
 13 before that?
 14 A. So it was starting before that. I definitely am aware
 15 of — business engagement consistently has always been
 16 a theme. I have seen a real evolution of that over the
 17 last 4 years and a recognition of the part that
 18 everybody plays in countering the threat of terrorism.
 19 Q. How is that aspect of matters, the involvement of the
 20 businesses, how is that achieved?
 21 A. So I think one of the things I've talked about, and
 22 I know some people have been at some of the conferences
 23 I've been at, is just around the point of data share,
 24 which what I talk about quite a lot in terms of the
 25 business community, that it is the role of ourselves to

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1 share as much information as possible with the business
 2 community in order to help them shape their protective
 3 security posture.
 4 Q. And you've used the phrase business community.
 5 A. Yes.
 6 Q. How do you ensure, if you do ensure, within CT Policing
 7 and the CT response more generally that the business
 8 community do cooperate and play their part?
 9 A. Well — so you heard this morning obviously in terms of
 10 protective security it is entirely discretionary. There
 11 is on statutory or regulatory framework to make it a
 12 mandatory requirement. A lot of it is around
 13 partnership working, collaboration, relationships — and
 14 also when we say the business community that is a huge
 15 sector, so it ranges from small/medium enterprise
 16 industries, which are very tiny, could be the coffee
 17 shop, right the way through to big global corporations.
 18 So it's not a homogeneous group, it's a very expansive
 19 group and we also involve ourselves working with
 20 particular groups that represent key sectors of
 21 industries.
 22 For example, the road haulage has a body that
 23 everybody works into, hire cars has a body that
 24 everybody works into, and we engage with them.
 25 Q. You've mentioned the discretionary nature of the advice

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1 that CTAs give and we will get to that issue in due
 2 course and seek your views about whether a discretionary
 3 system is or is not appropriate, but may we just park
 4 that for the time being.
 5 A. Yes, sure.
 6 Q. Just to return to where we were, dealing with the
 7 structure for CT Policing. NaCTSO utilises most heavily
 8 the OSCT. I don't need any further information from you
 9 about that.
 10 JTAC. Is JTAC the Joint Terrorism Analysis Centre?
 11 A. Yes. That covers all intelligence which relates to
 12 international terrorism in the UK and overseas and is an
 13 independent body.
 14 Q. Which, as we have understood it, sets threat levels and
 15 issues warnings of threats and other terrorist-related
 16 subjects?
 17 A. Yes, that's correct.
 18 Q. And is CT Policing's advice and guidance predicated on
 19 the threat information provided by JTAC and
 20 intelligence?
 21 A. Yes, it is.
 22 SIR JOHN SAUNDERS: When you say an independent body, what
 23 does that actually mean?
 24 A. So it's made up an amalgamation of people from across
 25 the intelligence agencies that come together to work in

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1 a central place, so representatives from the armed
 2 forces, security services, policing. Everybody comes
 3 together in a sort of neutral way to purely look at the
 4 intelligence and provide the advice independently based
 5 on the intelligence and the reviews that they're
 6 undertaking.
 7 MR GREANEY: Other organisations that you rely upon heavily
 8 or at any rate work with heavily, are the Centre for the
 9 protection of National Infrastructure, CPNI?
 10 A. Yes and they are critical as they set the technical
 11 standards for protective security equipment. They're
 12 the standards that provide a measure against which users
 13 of the equipment can be confident and assess the level
 14 of protection that they're going to get from it, which
 15 is really important.
 16 Q. And MI5 as well?
 17 A. Yes.
 18 Q. The organisation that investigates threats to national
 19 security and are an important source of information and
 20 an important partner for CT Policing?
 21 A. Yes, that's correct.
 22 Q. The observation you make at paragraph 14 of your
 23 statement is:
 24 "JTAC, CPNI and MI5 set the parameters within which
 25 CT Policing conduct Protect and Prepare activity."

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1 A. Yes, that's correct. I think what's also critical for
 2 us to understand is that without their input we wouldn't
 3 be able to — well, it would be impossible to prioritise
 4 where to best place the limited policing and security
 5 resources that we have. So the system enables us to
 6 consider the threats and prioritise resources
 7 accordingly.

8 Q. Could we have back on the screen the diagram we had
 9 earlier? We are now going to turn to the role of
 10 NaCTSO.

11 NaCTSO, is this correct, forms part of CT Policing
 12 and reports to what is now called the NPCC and NCTPHQ?

13 A. Yes, that's correct.

14 Q. And is it your job or part of your job to oversee NaCTSO
 15 as senior national coordinator for Protect and Prepare?

16 A. Yes, that's correct. And I'm supported in the
 17 day-to-day running of NaCTSO by a deputy national
 18 coordinator for Protect and Prepare.

19 Q. Are NaCTSO's main roles to inform and oversee the work
 20 of regional and local aspects of Protect and Prepare?

21 A. Yes, that's correct.

22 Q. Including, importantly for our purposes, the
 23 accreditation of the counter-terrorism security adviser
 24 or CTSA Network?

25 A. Yes, that's correct.

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1 Q. But also to amplify advice and guidance to the private
 2 sector and general public around protective security?

3 A. Yes, to very much be the public-facing body.

4 Q. Does NaCTSO itself contribute to policy by participating
 5 in the Crowded Places Working Group?

6 A. Yes. And various other Protect and Prepare boards.
 7 We're very much a key partner in policy.

8 Q. I'm going to turn to ask you next, at paragraph 18 of
 9 your statement, about crowded places. Did you — I'm
 10 sure you did hear me refer to a particular definition of
 11 crowded places that was in use within government and its
 12 partners.

13 A. In 2014?

14 Q. In 2014?

15 A. Yes, I did.

16 Q. I'm not going to read it all out again, but you will
 17 well know that it states that crowded places may include
 18 sports stadia, arenas, festivals and music venues,
 19 hotels and restaurants, pubs, clubs, bars, casinos, high
 20 streets, shopping centres and markets, visitor
 21 attractions, cinemas and theatres, schools and
 22 universities, hospitals and places of worship,
 23 commercial centres and transport hubs.

24 Would you expect CTSA's to engage with all such
 25 locations?

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1 A. No, I wouldn't.

2 Q. We maybe a jumping ahead a little. Are you able to
 3 summarise why not?

4 A. I think if we all were asked the sort of layperson's
 5 definition of crowded places, there's not much that that
 6 definition doesn't include. It's pretty much all
 7 inclusive of everything we recognise, I think, publicly
 8 as crowded places. However, CTSA's are focused on the
 9 crowded places policy which is about prioritising
 10 a number of locations in terms of the attractiveness
 11 model. So we're looking at focusing CTSA activity on
 12 the sites that we believe are attractive to terrorists
 13 and there is the application of a formula which then
 14 prioritises those sites into tier 1, tier 2 and tier 3.
 15 I expect the CTSA's to be focused in those areas
 16 primarily.

17 However, obviously, there is always the opportunity
 18 that another site not in that tiering process wanted
 19 some particular advice and if there was the capacity to
 20 able to give that, then it doesn't stop them from
 21 engaging in it, but their priority is around those sites
 22 that fall within the crowded places attractiveness
 23 model.

24 Q. And we're going to look at that model and the model that
 25 preceded it, namely the vulnerability model, in further

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1 detail in due course.

2 But in summary, it would be impossible for the
 3 CTSA Network to cover every crowded place falling within
 4 that definition?

5 A. Yes.

6 Q. There has to be, as matters stand now, prioritisation
 7 therefore?

8 A. Yes. Of course, yes.

9 Q. A formula is used that we will not go into and that
 10 no one must go into, which results in a particular
 11 crowded space being put into one of a number of tiers?

12 A. Yes.

13 Q. And which tier a location goes into will determine the
 14 level of engagement that there is with the CTSA, always
 15 accepting that the CTSA may choose to do more than the
 16 strict requirements?

17 A. Yes, that's correct. And the purpose of that is to
 18 focus protective security improvement on those areas
 19 because collectively we all agree that they are the most
 20 attractive to a terrorist in the UK.

21 Q. Turning to paragraph 20 of your statement, do NaCTSO and
 22 indeed the CTSA's themselves deal with the production and
 23 targeted distribution of what you would hope was
 24 comprehensive tailored guidance on protective security
 25 for specific sectors vulnerable to terrorist attacks

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1 against crowded places?
 2 A. Yes, they do.
 3 Q. How is information and guidance for crowded places most
 4 commonly disseminated?
 5 A. That's through the 200 counter—terrorism security
 6 advisers across the network.
 7 Q. When you say "across the network", you're talking about
 8 across the United Kingdom?
 9 A. Yes.
 10 Q. Are the CTSAs a combination of police officers and
 11 police staff?
 12 A. Yes, that's correct, and they are accredited and
 13 licensed to a national standard to undertake their
 14 professional practice. NaCTSO is responsible for the
 15 training, tasking and quality assuring of CTSAs.
 16 Q. As you told us already, general protective security from
 17 terrorism is part of the Protect pillar or strand of
 18 CONTEST. With whom does responsibility for that remain?
 19 A. For Counter—terrorism Policing, there is a national
 20 police collaboration agreement relating to
 21 counter—terrorism activities, and that was made under
 22 section 22 of the Police Act 1996. To put it simply,
 23 what that means is that individual chief constables
 24 remain accountable to their local governing bodies, such
 25 as the police and crime commissioners. And the

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1 individual chief constables also remain responsible for
 2 tackling immediate and long—term threats from terrorism
 3 and allied matters.
 4 But actually, some of that, obviously, takes place
 5 via and by Counter—terrorism Policing led by Assistant
 6 Commissioner Neil Basu.
 7 Q. But ultimately, does responsibility for the Protect
 8 strand remain with each individual chief constable?
 9 A. It does.
 10 Q. And for Manchester that would be the Chief Constable of
 11 Greater Manchester Police?
 12 A. Yes, that's correct.
 13 Q. Over the page, please, to {INQ025466/7}. As will be
 14 apparent, I'm not considering it necessary to deal with
 15 every paragraph of your statement. There are plenty of
 16 others who, if I miss something important, will pick it
 17 up.
 18 At paragraph 27 you observe:
 19 "The operational delivery of Protect and Prepare
 20 varies significantly across the UK."
 21 What do you mean by that?
 22 A. So there isn't — I suppose the comparable is if we look
 23 at the different regions, so London, for example, is
 24 a region in its own right, and the way that the
 25 processes over the years have looked at demand and

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1 allocated resources proportionately across the network
 2 to reflect the demand and also to reflect the threat
 3 picture, and we know that roughly around about 60% of
 4 counter—terrorism investigations are London—based. So
 5 when I say that it varies, obviously the resource
 6 allocation varies considerably across the UK and the
 7 regions, and therefore the work that they're able to
 8 undertake, which is prioritised, varies considerably.
 9 So we haven't got a one—size—fits—all picture across the
 10 UK.
 11 Q. So just so that we're clear, do you intend to suggest in
 12 any way in that paragraph that the quality of
 13 operational delivery of Protect and Prepare varies
 14 significantly across the country?
 15 A. No, absolutely not.
 16 Q. In respect of Protect, is much of the provision of
 17 services from CT Policing done through specialist
 18 advice?
 19 A. It is, yes.
 20 Q. Often through NaCTSO?
 21 A. That's correct.
 22 Q. And we're going to turn to this in a little more detail
 23 shortly, but is the adoption of that advice entirely
 24 discretionary for each police force?
 25 A. Yes, it is. I put the advice out, which — I think

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1 later on in one of my statements I talk about the
 2 methods that advice is put out to the regions. It is
 3 discretionary but I think it's fair to say there is
 4 a recognition by policing that they are getting the
 5 advice from Counter—terrorism Policing, and the adoption
 6 of it is pretty universal. It's tailored to reflect the
 7 challenges and the threat picture in the regions.
 8 Q. So in terms of police forces around the country, where
 9 NaCTSO puts out advice, given that is advice necessarily
 10 coming from the counter—terrorism experts, you would
 11 expect it to be followed unless there was a very good
 12 reason not to do so?
 13 A. Yes, and I would expect it to be applied within the
 14 regional or local context. There may be, as you say,
 15 a perfectly sensible reason why it's not adopted, but
 16 that decision is made locally.
 17 Q. In terms of the private and public sector, as you
 18 observe and have said already, the adoption of the
 19 NaCTSO advice again is entirely discretionary?
 20 A. That's correct.
 21 Q. We'll turn to that in a little more detail shortly.
 22 Is it the position that whilst the majority of
 23 NaCTSO's work falls within the Protect strand of
 24 CONTEST, in addition NaCTSO does provide advice in order
 25 to support Prepare?

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1 A. Yes, that's correct.

2 Q. What work is done by NaCTSO to support Prepare?

3 A. So without getting into too much detail, obviously there

4 are always live operations that are in place. We always

5 need to consider the context of those live applications,

6 and whether we need to break out and consider protective

7 security advice during the operation that we can then,

8 in an appropriate way, share that. So we work very

9 closely with the -- sorry, that was with the Pursue

10 side.

11 With the Prepare side, that tends to be around

12 preparedness for response to incidents. Certainly I've

13 got a team that looks at some of the exercise testing

14 that takes place, testing and exercising nationally, and

15 we work closely with CPNI in that area as well.

16 Q. Let's turn next, please, to deal in more detail with

17 CTSAs. Under the direction of NaCTSO, so this is

18 paragraph 32, is the CTSA Network delivered locally,

19 regionally and nationally?

20 A. Yes. The CT Network is locally delivered and it's

21 regionally and nationally coordinated and it's

22 nationally owned.

23 Q. Is it your expectation that CTSAs will liaise with

24 private and public owners of sites and assets which may

25 require protective security measures?

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1 A. Yes, that's correct.

2 Q. Of the 200 or so CTSAs that there are, are some based in

3 every police region?

4 A. Yes.

5 Q. In simple terms, is their function to provide what you

6 would hope would be high quality advice and guidance to

7 the owners and operators of crowded places?

8 A. Yes, that's correct. The aim is to make those owners

9 and operators aware of terrorist threats and give advice

10 as to what steps they could take to reduce vulnerability

11 and to prepare for a terrorist attack.

12 Q. I used the word "advice". The words "advice" and

13 "guidance" -- and you have just used the word

14 "advice" -- and it's important to recognise, is it not,

15 that what CTSAs provide is advice, not instruction?

16 A. That's correct.

17 Q. What Mr Hipgrave said when he gave his evidence and was

18 pressed on the discretionary nature of the work of

19 CTSAs, that -- well, he said a number of things, but two

20 in particular. First, that that system was:

21 "Just not providing the protection that ministers

22 wanted."

23 And a little later, he said that:

24 "The system did not achieve the vulnerability

25 protection that we [talking no doubt as the Home Office]

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1 wanted."

2 Do you agree or disagree with him?

3 A. So I think there's always a gap in a system that is

4 discretionary and I have always been an advocate that

5 I think that the way forward is new legislation and

6 I have always been an advocate of a Protect duty which

7 latterly -- obviously I understand Figen Murray's focus

8 on it being Martyn's Law. So I don't think that it

9 should be discretionary as to whether protective

10 security is considered by a business or a site or an

11 operator. I think the current system is good, I think

12 the security advice that's provided by CTSAs is good.

13 If we look globally, it's been -- there are aspects

14 of our model that have been copied by our international

15 partners. But I think the absence of clear legislation

16 does make it difficult.

17 Q. I want to ask you a number of questions arising out of

18 that very clear answer. First, you said that in

19 a discretionary system there will always be gaps. Would

20 you articulate for us, please, what those gaps are in

21 this particular scheme or what they may be?

22 A. I think the gaps are -- there is inevitably a choice as

23 to whether or not you choose to accept the advice or

24 whether you choose to implement protective security at

25 your location. I think some of the gaps are that

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1 decision-making can be commercially driven in the

2 private sector and I firmly believe that a Protect duty

3 would be transformational for the UK and it would be as

4 impactful to protective security as GDPR has been for

5 data handling.

6 Q. As you identified along the way of that answer, the risk

7 that a discretionary scheme gives rise to is that the

8 CTSA advises a venue that it needs to or it ought to

9 take X action or, I suppose, more accurately, that

10 X action is advised to be taken, that action is going to

11 be expensive, and the venue makes a commercial decision

12 not to implement it.

13 A. That could be a choice made, yes.

14 Q. And that's the risk with a discretionary scheme.

15 You said a number of times that you have always been

16 an advocate of primary legislation and in particular

17 legislation to achieve a Protect duty.

18 A. Yes.

19 Q. And that gives rise to the question of what is meant by

20 "always". Do you mean since the terrible events of 2017

21 or even before that?

22 A. Well, I came into Counter-terrorism Policing in, as you

23 said, December of 2016, so I pretty much was in

24 Counter-terrorism Policing as we entered 2017 and the

25 pace of the attacks. So I hadn't been in there for

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1 a period of time thinking about this beforehand. I had
 2 been the commander in charge of the boroughs in
 3 East London where I had other priorities, but I felt
 4 very strongly, as we progressed through the dreadful
 5 attacks of 2017 — and my personal reflection was being
 6 more regulated around some of the things that
 7 Figen Murray talked about in her evidence, around the
 8 number of toilets, the sandwiches, the food, the
 9 regulation is really clear there, but the absence of
 10 regulation and a legal framework for protective security
 11 just — it feels disappointing.
 12 Q. Your feelings of disappointment about it, which perhaps
 13 is to understate your views — as you understand it are
 14 your views about the discretionary scheme shared by your
 15 colleagues within Counter-terrorism Policing?
 16 A. Yes, Counter-terrorism Policing has consistently been
 17 a supporter of the need for primary legislation .
 18 Q. So does it come to a proposition as simple as this: that
 19 if people are to be as safe in a publicly accessible
 20 location as they are entitled to be, there needs to be
 21 change?
 22 A. I believe there does need to be change yes.
 23 Q. And in your view, that change needs to be the
 24 implementation of a Protect duty?
 25 A. I think the prize for a complete sort of seismic shift

1 in protective security is primary legislation through
 2 a Protect duty.
 3 Q. And fully recognising that you are not a member of the
 4 government and do not understand what the pressures are,
 5 would it be correct to say that bearing in mind that the
 6 terrorist threat has not gone away, your view is that as
 7 soon as that duty can be implemented the better?
 8 A. Yes.
 9 Q. I'm going to ask you next about CTSA training. By whom
 10 are CTSA's trained?
 11 A. CTSA's are trained by NaCTSO, supported by colleagues
 12 from CPNI.
 13 Q. Does the training pathway consist of specific courses
 14 run by subject matter experts who seek to develop the
 15 knowledge of CTSA's in specific areas?
 16 A. Yes, it does, and perhaps if I can talk around the time
 17 frame for training.
 18 Q. Please do.
 19 A. There is a 3-week initial foundation course. The
 20 process to be a fully accredited CTSA takes roughly
 21 2 years. The other parts of that process are other
 22 modules — I think it's approximately 10 other modules
 23 that they would need to attend, ranging in sort of 1, 2
 24 or 3 days that they would need to participate in.
 25 They also are then involved in doing some site

1 surveys which form part of the assessment process and
 2 then at the end of that 2-year process they become fully
 3 accredited and they get a City & Guilds qualification .
 4 Q. Does the training received by CTSA's involve training in
 5 the use of a tool called the protective security
 6 improvement activity tool —
 7 A. Yes, it does.
 8 Q. — or the PSIA tool?
 9 A. Yes. I'm sorry, another acronym, yes.
 10 Q. And also training in the creation of action plans which
 11 will follow the use of that tool?
 12 A. Yes, that's correct.
 13 Q. What is the PSIA tool, please?
 14 A. So the PSIA tool is — I mean, what does it look like?
 15 It looks like a spreadsheet. It's an Excel document and
 16 it takes a site through six common attack methodologies.
 17 Then it considers protective security that could be put
 18 in place to mitigate the threat from those six specific
 19 common attack methodologies. It awards a score and the
 20 CTSA provides then an action plan and works that through
 21 with the site operators and/or owners, and the whole
 22 basis of it is around protective security improvement.
 23 Q. So there are, it appears, two stages to this. First of
 24 all, the CTSA will use the PSIA tool to assess a site's
 25 vulnerability to terrorist attack?

1 A. Yes, correct, against the six attack methodologies.
 2 Q. The tool then awards a score to the site?
 3 A. Yes, so there's scores on the individual categories and
 4 then there's an aggregate score.
 5 Q. The score is not an end of itself ?
 6 A. No. Absolutely not, no.
 7 Q. Because what should then happen is that an action plan
 8 be prepared on the basis of what the tool has revealed
 9 in order to identify protective security measures that
 10 that site might take?
 11 A. That's correct, and it is part of a broader approach to
 12 protective security; it should never be seen as the only
 13 part of considering security at that site .
 14 Q. Would you expect a copy of the score and a copy of the
 15 action plan to be given to the site itself ?
 16 A. Obviously I'm not involved in a sort of tactical
 17 delivery of it, but I see no reason why that shouldn't
 18 be shared with the site. I know it is called a score on
 19 the document. I'm slightly nervous of the word "score".
 20 It's an indicator of your protective security posture
 21 and it's an indicator of the areas where you can make
 22 improvements.
 23 Q. I suppose the danger is or a danger may be that if
 24 a site achieves a high score, it may be lulled into
 25 a sense of security, to use security in a different way.

1 A. Yes, that's correct, and there might be parts of the
 2 tool that are not relevant to that particular site. So
 3 you may well never be able to achieve, arguably, let's
 4 say 100%. You may never be able to achieve 100% because
 5 some of those recommendations and some aspects of the
 6 tool are simply not relevant to your site and no two
 7 sites are the same.

8 SIR JOHN SAUNDERS: If you do get a high score, wouldn't you
 9 expect to have a certain amount of, not being lulled
 10 into a sense of false security perhaps, but actually
 11 getting a feeling that your site is quite secure?

12 A. You could have a degree of confidence around your
 13 scoring the higher you are. It's an indicator that
 14 you have some good measures in place, but I do think you
 15 should also be looking at what does that mean.

16 If we look at some of those attack methodologies,
 17 you might have scored zero in one of the categories and
 18 therefore in the other areas you are scoring very high,
 19 so I think you need to interpret what the score is
 20 giving you. But you're absolutely right, you could take
 21 a degree of confidence from some aspects of it.

22 The score fluctuates. It's re-scored twice a year,
 23 so you should expect a minimum arguably of six contacts
 24 with your CTSA and the scoring is done twice a year and,
 25 having looked at some of them, they do fluctuate up and

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1 down, so it's not necessarily consistent.

2 SIR JOHN SAUNDERS: How much of the marking is discretionary
 3 by the marker? Do you understand what I mean? Some
 4 marks you can get because you've got something,
 5 therefore you get 5 marks.

6 A. Yes.

7 SIR JOHN SAUNDERS: If you have something like a fire
 8 extinguisher -- I am not saying this would apply -- you
 9 would then get 5 marks or whatever. And some others,
 10 may be looking around, do I think this is good or this
 11 is bad, so therefore I, the marker, will give so many
 12 marks.

13 A. Some of it is a judgement but it's quite specific on the
 14 drop-downs within the Excel document. So for example,
 15 some of the areas that it covers are around hostile
 16 vehicle mitigation, it might cover around CCTV. Some of
 17 them are clear yes/no answers with a score some of them
 18 are very much, as you say, sir, it's more of a judgement
 19 by the person that's inputting the spreadsheet. But
 20 some are very clear yeses or noes and you either get the
 21 points or you don't.

22 SIR JOHN SAUNDERS: If I've got CCTV, I get the points even
 23 if I have a dead spot?

24 A. So I think I would be expecting -- I can't remember
 25 whether CCTV is a specific yes or no. It would look at

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1 the coverage of the CCTV, and it's the same with search,
 2 for example: to what extent are they doing the search?
 3 Are you doing X% of it or Y% of it? So some parts of it
 4 are more subjective and it requires interpretation.

5 SIR JOHN SAUNDERS: I'm sorry to keep asking too many
 6 questions, but we've heard from operators, for example,
 7 that the sort of audience that you get can be more
 8 difficult for some things like boxing matches and darts
 9 matches than they are for the average concert which is
 10 attended by 15-year-old children.

11 A. Yes.

12 SIR JOHN SAUNDERS: Is that reflected in the scoring for the
 13 searching?

14 A. No, so the PSIA document is about protective security
 15 for the site. It's not providing you with an indicator
 16 for events. So I think that's a completely separate
 17 category about how you flex your security up and down
 18 depending on the type of event that you're having. So
 19 if I put that within -- I'm a public order commander and
 20 deal with multiple events in London. You consider
 21 specific events where you need to dial up or you can
 22 dial down the security posture. The PSIA is about the
 23 site and it's not taking into account individual events
 24 and nor should it, in my view. When you operationalise
 25 your security plan, that's what that is about, and

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1 that's not the role of CSAs.

2 SIR JOHN SAUNDERS: But there would be a question, would
 3 there, which does reflect how much searching there is
 4 and to what extent?

5 A. Yes.

6 SIR JOHN SAUNDERS: But that wouldn't necessarily apply to
 7 every event?

8 A. No, not necessarily. You're absolutely right. You
 9 might have a particular event, I don't know, they might
 10 put on a sort of event that's very low-key at
 11 a particular venue and I would expect the security
 12 professionals to be considering the type of audience
 13 that are coming to it and adjusting their posture. You
 14 might have something then that's at the extreme end
 15 which requires a much more robust security posture and a
 16 much more robust search. So the posture of search
 17 varies according to event, but the PSIA tool is around
 18 the actual site.

19 MR GREANEY: I just want to make sure that I've understood
 20 this. Just to focus this in more on the arena, which
 21 I know you have visited but by no means will be an
 22 expert in and I bear that in mind.

23 It might be fair to suggest that on occasions when
 24 an event was not taking place, that the security risk
 25 at the arena was low because there would not be lots of

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1 people there.
 2 A. Well, I think the tool would get you to consider aspects
 3 of security, so around, for example, hostile
 4 reconnaissance, because that doesn't necessarily take
 5 place when an event's on. That can take place at other
 6 times. So again, in terms of the site, they would need
 7 to take that into consideration as part of their
 8 protective security for the site. So just because
 9 there's no event doesn't mean to say you're not
 10 considering what your protective security posture is.
 11 You employ staff, you have insider threat at some
 12 venues, so you would need to be considering what is your
 13 vetting process for staff. I mean, it wouldn't be
 14 appropriate for me to go through the whole of the
 15 list --
 16 Q. I quite understand --
 17 A. -- but it's a whole system.
 18 SIR JOHN SAUNDERS: I can understand that there are things
 19 which are always the same. But I think we do know there
 20 are questions relating to searching and the searching
 21 would vary and I just wonder how that works in the
 22 scoring. But maybe that's something you could look at.
 23 A. In terms of how search works that's not -- so in terms
 24 of the CTSAs which -- that's not an issue for the CTSAs.
 25 They will give advice and they will group people to the

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1 particular advice that's there around searching.
 2 There's some really good documentation that's been
 3 produced by CPNI. In terms of operationalising what
 4 that looks like, that will be for the security
 5 professionals at the site.
 6 MR GREANEY: We're going to have evidence in the near future
 7 from a GMP CTSA and we will be able to drill into some
 8 of the detail of what was done, but an approach that
 9 might be taken when one is applying the PSIA tool is to
 10 assume that an event is taking place when one would have
 11 thought the security risks are greater than when one is
 12 not taking place. Is that what occurs?
 13 A. So it's not my understanding of the tool. The tool is
 14 about the site because that -- otherwise you're looking
 15 at all the different variables of the multiple different
 16 types of events that could take place. Obviously one of
 17 the things that would be in it would be Argus stadium so
 18 they could utilise that and then within that sort of
 19 training and tabletop exercise that's when I would
 20 expect people to be picking particular scenarios or
 21 particular events and thinking about the application of
 22 protective security.
 23 Q. I'm just going to ask you about two further aspects of
 24 what you've said about the PSIA tool and the associated
 25 action plan. But first of all, you indicated that

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1 interpretation of the tool was necessary.
 2 A. Yes.
 3 Q. By whom should that interpretation take place? The site
 4 or the CTSA?
 5 A. So once the PSIA has been completed, obviously there is
 6 an action plan that comes out of that, and that then --
 7 that's jointly agreed and then the application of the
 8 action plan should be by the site operator.
 9 Q. So should the CTSA be helping the site operator to
 10 interpret or understand what the information means?
 11 A. So I think if the site operator wanted advice, that's
 12 what the CTSAs are there for. I do not believe the
 13 CTSAs are there to operationalise a protective security
 14 operational plan. That's not what their role is.
 15 Q. Whose role is that?
 16 A. So I think that's the site operator's and their
 17 professionals that are leading on the security operation
 18 for the various different events.
 19 SIR JOHN SAUNDERS: So we will give you advice about your
 20 site in general terms?
 21 A. Yes.
 22 SIR JOHN SAUNDERS: But we will not give you advice about
 23 how your site is suitable for particular events?
 24 A. How your advice...
 25 SIR JOHN SAUNDERS: Relates to individual events. You're

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1 saying operationally. I interpret that as being: here's
 2 the advice about the site generally, but you are going
 3 to have to decide how suitable it is for a particular
 4 event --
 5 A. Yes.
 6 SIR JOHN SAUNDERS: -- which is operational --
 7 A. That's right.
 8 SIR JOHN SAUNDERS: -- and we won't give you advice about
 9 that?
 10 A. It depends what advice they're seeking on it. If for
 11 example they came and said, how many stewards do you
 12 think I should put on this event, that's not the role of
 13 the CTSA to answer that question and I wouldn't expect
 14 them to be doing that. They haven't got the training or
 15 the professional knowledge to answer that question.
 16 They can give the guidance to the various different
 17 documents that are available to support people. So they
 18 give the more holistic advice.
 19 SIR JOHN SAUNDERS: Okay, holistic advice: is it suitable
 20 for us to conduct our business here as with the existing
 21 perimeter or should we be considering pushing our
 22 perimeter back?
 23 A. I think the CTSAs will then talk through the sort of --
 24 what we call the onion-layering of protective security.
 25 So they could say that their recommendation is there

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1 HVMs here. They would say around stand-off, they would
 2 provide recommendations around stand-off areas and the
 3 benefit of that, and I think there's a lot of documents
 4 that actually are explicit in the advice around that.
 5 They would give advice around hostile reconnaissance.
 6 But the application of it for the site, they are not
 7 providing an inspection of the security operation for
 8 the site.
 9 MR GREANEY: You used an acronym along the way, I think you
 10 said HBMs.
 11 A. HVM, hostile vehicle mitigation.
 12 Q. Just a slightly different topic for a moment before we
 13 return to the training that is received. How often
 14 would you expect a CTSA to visit a site in respect of
 15 which he or she is giving advice?
 16 A. So I would expect them to visit quarterly and obviously
 17 I would expect the PSIA to be scored twice in a year, so
 18 I think that would be about six times as a minimum. But
 19 I am aware, obviously, that CTSA's -- it's mixed across
 20 the country and there's either minimum contact or
 21 there's much more frequent contact and that's really
 22 about the relationship and the collaboration between the
 23 two.
 24 SIR JOHN SAUNDERS: Is that set down? You said you'd expect
 25 quarterly. Is that an instruction you sent out?

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1 A. It is my understanding, sir, that that is an instruction
 2 that's there as part of the training programme.
 3 SIR JOHN SAUNDERS: Thank you.
 4 MR GREANEY: So the bar is set at six, but depending on the
 5 site and the relationship, it might be more frequently?
 6 A. Yes.
 7 Q. This may be an impossible question to answer because it
 8 may depend upon the nature of the site, but do you have
 9 any expectation of how long each visit should take?
 10 A. No, I think your point is right, it depends on the site.
 11 Some of them are significantly more complex than others,
 12 some of them are significantly bigger. No two sites are
 13 the same. It depends, you know, on the extent of the
 14 protective security improvement that we're seeking to
 15 achieve, that might take longer in some sites than
 16 others.
 17 Again, I think this is the disparity that we see.
 18 We're talking about some sites, particularly some sites
 19 in tier 1 and tier 2, which are global corporations with
 20 multiple sites in the UK who have a whole security
 21 central infrastructure team supporting them and other
 22 sites, which actually, in some of the tier 2 categories
 23 they could be charitable institutions or faith premises
 24 where actually they've got no budget and no support,
 25 therefore their reliance on the CTSA's may well be

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1 greater.
 2 Q. In May 2017 did CTSA's receive refresher training or was
 3 it: you do the course and --
 4 A. So there's a Radius event that takes place every year
 5 and that is part of the continual professional
 6 development of the CTSA's and that's an annual event
 7 which is over a few days.
 8 MR GREANEY: Sir, I'm going to ask at this stage if we could
 9 have a short break and then we return for a short
 10 further session before we break for the weekend. That's
 11 necessary so that I can assess the situation in relation
 12 to Monday's witnesses and give some certainty about when
 13 DAC D'Orsi should return, please.
 14 SIR JOHN SAUNDERS: Are we coming -- I'll ask the question
 15 anyway.
 16 You are saying that you are in favour of legislation
 17 which would include a requirement that people were given
 18 advice by CTSA's if they saw them -- the CTSA's saw their
 19 site?
 20 A. I'm in favour of legislation, sir, that requires people
 21 to consider protective security against the threat of
 22 terrorism.
 23 SIR JOHN SAUNDERS: Would you expect it to be, when you're
 24 dealing with a tier site, the ones that you now visit
 25 and send a CTSA to, would you require cooperation to at

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1 least listen to the advice?
 2 A. Yes.
 3 SIR JOHN SAUNDERS: If an action plan is set up at the end
 4 of a meeting, would you, in your proposed legislation,
 5 require something requiring them to carry out what is on
 6 the action plan?
 7 A. I think the important point here is that that's
 8 a proportionate -- the recommendations are
 9 proportionate. I think there would have to be an
 10 exceptional reason why, if it's an agreed action plan,
 11 that wasn't carried out.
 12 SIR JOHN SAUNDERS: Who would decide if it's not
 13 proportionate?
 14 A. I don't anticipate that if -- this is a joint process,
 15 so hopefully I don't anticipate the situation where
 16 it would be disproportionate. But I...
 17 SIR JOHN SAUNDERS: It will occur, won't it? A CTSA will
 18 say, "I think to be safe you need to do this", the
 19 operator says, "That's going to cost me X pounds,
 20 that is disproportionate", and the CTSA says "No, it's
 21 not". Who is going to be the arbitrator of that?
 22 A. I think the legislation -- you're more experienced,
 23 of course, in this than me.
 24 SIR JOHN SAUNDERS: You know more about the subject than
 25 I do, which is more important.

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1 A. Thank you. I think it's important that if we're
 2 requiring people to consider protective security, we do
 3 have to empower people that if they make a decision not
 4 to put that in, and then there is an attack, it is then
 5 for that person to justify why they chose not to do
 6 that. And I think, for me, that's the extent of where
 7 the legislation should be and you have to stand by your
 8 decision.
 9 SIR JOHN SAUNDERS: I understand things need to be worked
 10 out and that's part of the consultation process.
 11 MR GREANEY: Can I just ask a question arising out of that?
 12 Is it fair to suggest that requiring a site owner or
 13 operator to consider the terrorist risk doesn't have
 14 much value unless you also require the operator to take
 15 steps to mitigate that risk? Because otherwise, the
 16 scheme remains discretionary.
 17 A. We're talking about threat, so if I was the operator,
 18 I'm looking at that against what the threat is. So
 19 there are some operators where, with all the information
 20 and advice that we have put out there, which is free,
 21 readily available, will be easy to access, the
 22 information-sharing platform that Shaun Hipgrave talked
 23 about earlier — you have to have the right as an
 24 operator to make a measured and proportionate decision
 25 around that. So you may well be a very small business

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1 in a part of the country that actually, in terms of
 2 attractiveness and in terms of the threat vector that
 3 you're happy to make a decision you don't want to put
 4 those measures in place and that's something that you
 5 would make your decision on, which I feel people would
 6 be comfortable to do that.
 7 In the same way with health and safety legislation,
 8 here people make a choice about which bits they want to
 9 put in place and if somebody doesn't and there is an
 10 incident, then you explain why.
 11 SIR JOHN SAUNDERS: But that's the point, isn't it? There
 12 is an incident. So in health and safety, if something
 13 happens, you prosecute. What we don't want with this
 14 legislation is: you do it and it's at your peril if you
 15 don't do it if something happens. We don't actually
 16 want to be dealing with them after the events have
 17 happened.
 18 A. I think there's a reasonable factor: on everything that
 19 that operator knew and understood, is what they put in
 20 place reasonable? I think the answer may well be yes,
 21 even if the circumstances have led to a tragic incident.
 22 MR GREANEY: Maybe a way of looking at it is you require them
 23 to assess the risk and then you require them to take all
 24 reasonably practicable steps to mitigate that risk?
 25 A. Yes.

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1 MR GREANEY: Sir, could we take our break at this stage,
 2 please?
 3 SIR JOHN SAUNDERS: How long would you like? Quarter of
 4 an hour?
 5 MR GREANEY: A quarter of an hour, sir.
 6 SIR JOHN SAUNDERS: And we won't go beyond 5.00 whatever, if
 7 it's any consolation to people.
 8 Thank you.
 9 (4.05 pm)
 10 (A short break)
 11 (4.23 pm)
 12 MR GREANEY: We are not quite there with knowing what the
 13 arrangements are for next week.
 14 SIR JOHN SAUNDERS: I understand that. I'm very grateful
 15 for your cooperation. I am sorry that we've been
 16 messing you about quite so substantially.
 17 MR GREANEY: Let's return to where we were before the break.
 18 We'll finish that off and then we'll try to identify
 19 another topic which will take us about 4.45, or
 20 something like that, to make good use of the time.
 21 Where we were, where this might all land, who knows,
 22 and you won't be the decision maker, but it may be that
 23 ultimately it's decided that the Protect duty should
 24 involve requiring a site operator to assess the risk
 25 presented by terrorism and then to take — and then

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1 requiring the site operator to take all reasonably
 2 practicable steps to mitigate that risk, although the
 3 use of the term "reasonably practicable" may carry with
 4 it some difficulties involving, as it does, balancing
 5 risk against cost to some extent.
 6 Let's assume it has those two layers of requirement.
 7 If a CTSA has visited a site and said, "I advise you to
 8 do X, Y and Z", and the site does X, Y and Z, would you
 9 think that the site has done all that is reasonably
 10 practicable or reasonable, or would you expect the site
 11 to do more than just act on the advice of the CTSA?
 12 A. So I think it's reasonable to expect the site to act on
 13 the advice of the CTSA but also think in the broader
 14 picture around their protective security at the site,
 15 because as I said, the PSIA tool focuses on six common
 16 attack methodologies; it doesn't focus on all of the
 17 attack methodologies that are there.
 18 Q. As you said to us earlier, the CTSA is, as you
 19 understand it, you're the one in the position to say,
 20 not giving what might be described as operational advice
 21 about a security arrangement on any particular occasion
 22 of a particular event?
 23 A. That's correct.
 24 Q. I'm going to move on to a connected topic.
 25 Obviously, if a Protect duty is going to be imposed

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1 on those who operate in publicly accessible locations,
 2 steps need to be taken, first of all, to ensure that
 3 they are complying with that duty?
 4 A. Yes.
 5 Q. And secondly and connectedly, to enforce compliance with
 6 that duty?
 7 A. So I think that needs to be considered and the way, the
 8 approach, the policy and the approach to that is
 9 definitely something that I know that the government,
 10 through OSCT, are thinking about. So is it going to be
 11 similar to the Health and Safety Executive? And
 12 I think -- I'm not sure exactly what the preferred
 13 approach is.
 14 Q. That, I'm sure, is correct so far as the preferred
 15 approach of the government is concerned, but let me ask
 16 you, because if I don't others will: do you have a view
 17 about whether enforcement ought to be through criminal
 18 sanction or civil sanction or both?
 19 A. So I think there are some good parallels to GDPR and
 20 I think I would probably want to reflect on some of the
 21 other legislation in more detail to understand which has
 22 the greatest impact as to whether it's a blend of both
 23 or it's an either/or in terms of criminal or civil.
 24 I think what I do believe is that there does need to be
 25 some form of sanction which means that it does compel

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1 people to comply with whatever the regulatory or legal
 2 framework is. So it has to be significant enough to
 3 ensure that people comply, which I think we have seen
 4 with GDPR, that's why we've seen this seismic shift.
 5 Q. The point I believe you're making is whatever form
 6 ultimately the legislation takes, it needs to have
 7 teeth --
 8 A. Absolutely, yes.
 9 Q. -- because there's no point in imposing a duty on
 10 someone if, when they breach it, you don't do anything
 11 to them?
 12 A. That's correct.
 13 Q. I am going to moved ahead, as I said, just to try and
 14 make the best use of the time to {INQ025466/16} of your
 15 witness statement. I hope it's not going to disrupt
 16 your thinking if we take things slightly out of order.
 17 I'm going to turn to ask you about the programme
 18 that you've already touched upon that CTSA's form
 19 an important part of providing in relation to what we're
 20 still at the moment calling crowded places.
 21 Was a programme to protect crowded places developed
 22 in 2008?
 23 A. Yes, it was. It followed a report by Lord West, which
 24 was to review the security of public spaces and it was
 25 primarily after the vehicle-borne explosive devices were

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1 used in 2007 outside the nightclub Tiger Tiger and then
 2 subsequently at Glasgow Airport.
 3 Q. Did it centre on free advice delivered by CTSA's?
 4 A. Yes, it did.
 5 Q. Was that known as or at any rate did it become known as
 6 the vulnerability method?
 7 A. Yes, it did.
 8 Q. I am not going to go into what that method was in any
 9 detail because, as you're going to explain, that method
 10 is no longer used.
 11 A. That's correct.
 12 Q. What we will establish is that between 2008 and 2014,
 13 there were various iterations of the vulnerability
 14 method --
 15 A. That's correct.
 16 Q. -- that were applied by CTSA's.
 17 A. Yes.
 18 Q. In 2003, was a decision made for the Crowded Places
 19 Working Group, of which NaCTSO was part, to undertake
 20 a review of the effectiveness of the vulnerability
 21 method?
 22 A. I think that was 2013.
 23 Q. What did I say?
 24 A. 2003.
 25 Q. I meant 2013.

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1 SIR JOHN SAUNDERS: It's getting late.
 2 MR GREANEY: Yes. You're keeping me on the straight and
 3 narrow.
 4 A. Definitely in 2013 there was, yes.
 5 Q. I'm at paragraph 65 of your witness statement and it
 6 does say 2013.
 7 So a decision was made to review, I think in fact,
 8 the effectiveness of the crowded places model as
 9 a whole, of which the vulnerability method formed part?
 10 A. Yes, that's correct. If it will help, the context
 11 around that was that the vulnerability model focused
 12 primarily around risk as opposed to the threat. So risk
 13 is about vulnerability and consequence, whereas threat
 14 is about capability and intent. So there was a very
 15 large list, there was no prioritisation of that list,
 16 and when we reached the Olympics there was a sort of --
 17 a bit of a review as to where we are and it was
 18 certainly noted that only 20% of the sites had reduced
 19 their vulnerability, so it wasn't having the desired
 20 impact that we wanted.
 21 I think of course the contextual piece around this
 22 is that at the time this was being considered,
 23 if we look at the current threat that we're facing here
 24 in the UK from international terrorism, we hadn't even
 25 had the declaration of the caliphate at the time we were

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1 looking at this previous model and there was a need to
 2 be a bit more adaptive and to prioritise a list of sites
 3 and locations where we wanted to look at the
 4 attractiveness of them. That was the context around the
 5 review.
 6 Q. So just to fit this into the chronology, the caliphate
 7 was declared by Islamic State in 2014?
 8 A. Yes.
 9 Q. So what you're telling us was happening before that and
 10 I believe it is the position that a report to the OSCT
 11 Protect sub-board in March of 2013 highlighted some of
 12 issues you've just mentioned?
 13 A. That's correct.
 14 Q. And as you told us, it indicated that, at best, only 20%
 15 of sites had, through the application of the
 16 vulnerability method, reduced their vulnerability?
 17 A. That's correct.
 18 Q. And indeed, a follow-up report dated in June of 2013
 19 identified that 45% of sites on a crowded places list
 20 had no improvement plan in place?
 21 A. Yes, that's correct.
 22 SIR JOHN SAUNDERS: Can you just explain -- it was a great
 23 phrase: risk is based on -- I can't remember what you
 24 actually said.
 25 A. Vulnerability and consequence.

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1 SIR JOHN SAUNDERS: And --
 2 A. And threat is based on capability and intent.
 3 SIR JOHN SAUNDERS: Okay. So just explain that in practical
 4 terms for me.
 5 A. Let's take the extreme end, which of course I'm sure we
 6 all hope will never happen. So if we take the threat
 7 from nuclear: if you look at it, the risk, the
 8 vulnerability to that and the consequence of that is
 9 significant. But actually, the threat is that the
 10 capability and the intent means that we wouldn't want to
 11 suddenly shift all of our resources to that particular
 12 area, whereas the capability and intent under the
 13 current attack methodology of somebody wielding a knife
 14 to stab people is greater because their capability to do
 15 that is much easier and their intent to do it is much
 16 stronger. So we know at the moment, in terms of
 17 prioritising in terms of threat, we know that sort of
 18 using a weapon or using a vehicle as a weapon of
 19 attack -- actually the threat of that is higher.
 20 SIR JOHN SAUNDERS: Has that changed since the Al Qaeda
 21 threat, which is always meant to be much more organised
 22 but much bigger?
 23 A. So I think with Islamic State what we have seen is the
 24 simplicity of attack methodology and we've seen that
 25 grow significantly from 2014, and we have got speeches

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1 which were inspiring people to focus anywhere and with
 2 that simplicity of attack methodology.
 3 SIR JOHN SAUNDERS: Thank you.
 4 MR GREANEY: The report in June 2013 stated, did it not:
 5 "There are, and always will be, many more crowded
 6 places than we can protect, or we would want to protect
 7 even if we could, given the need for our response to
 8 remain proportionate"?
 9 A. Yes. It's a statement with a heavy heart because we
 10 can't protect everybody all of the time. We have to
 11 work with our intelligence partners to be able to
 12 prioritise our resources where we see the greatest
 13 threat.
 14 Q. That report, the June 2013 report, did it also identify
 15 some options for change which were then carried through
 16 to a third report?
 17 A. Yes, it did.
 18 Q. What did the third report recommend if anything?
 19 A. So this is the move to the attractiveness model and that
 20 was launched in 2014. That remains in use today around
 21 crowded places. This was around looking at those
 22 locations which we feel, through a process, were the
 23 most attractive locations for terrorists to target their
 24 attacks.
 25 Q. In this regard, this is the bottom of page 18, top of

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1 page 19 {INQ025466/18-19}, what did the crowded places
 2 review state?
 3 A. It stated that we should seek proactive and bespoke
 4 engagement at a smaller number of crowded places,
 5 prioritised on the basis of their national importance to
 6 the UK. For example, prioritising effort to mitigate
 7 vulnerabilities at those sites with the highest threat
 8 and impact from a national UK perspective, and that,
 9 of course, then led to the tiering process.
 10 Q. Is it correct that the fundamental difference between
 11 the attractiveness model and the vulnerability model
 12 is that sites are now tiered against a range of
 13 criteria?
 14 A. Yes, that's correct.
 15 Q. And made tier 1 or tier 2 sites or indeed tier 3 sites?
 16 A. Yes. So briefly, tier 1 sites are sites that are
 17 nationally or internationally recognisable as symbolic
 18 of the UK and its way of life or have a widely known,
 19 frequent and predictable attendance by notable users.
 20 Tier 2 sites, which were then sub-divided into tier 2a
 21 and 2b, are sites which may not be of national or
 22 international prominence but nevertheless have a profile
 23 above local. And obviously, Manchester Arena fell into
 24 the tier 2 category.
 25 SIR JOHN SAUNDERS: I'm not sure we need to go on, do we,

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1 particularly , in the tiers? I'm quite happy for us to
 2 do so, but ...
 3 MR GREANEY: We don't need to go on. The simple fact of the
 4 matter is that a site that fell into tier 1 or tier 2,
 5 whether 2a or 2b, effectively was entitled to the same
 6 engagement from a CTSA?
 7 A. Yes, that's correct.
 8 Q. So tier 1 and tier 2 sites would receive what you
 9 describe at paragraph 72 as "bespoke CTSA advice";
 10 is that correct?
 11 A. Yes, that's correct.
 12 MR GREANEY: Sir, that would be a convenient moment to stop
 13 for the weekend. Would you allow me to check with
 14 Mr Suter what the current position is about Monday?
 15 SIR JOHN SAUNDERS: I think we're about to tell you your
 16 fate!
 17 A. Thank you.
 18 (Pause).
 19 MR GREANEY: Sir, I'm sorry to disappoint DAC D'Orsi, but
 20 the proper management of the inquiry next week does
 21 require her, I'm afraid, to come back on Thursday. I'm
 22 sorry if that is going to cause inconvenience. We will
 23 deal with the evidence of Assistant Chief Constable
 24 O'Callaghan of British Transport Police on Monday.
 25 SIR JOHN SAUNDERS: I'm sorry about that. I think attempts

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1 have been made to fit in with your ---
 2 A. Yes, I'm sure.
 3 SIR JOHN SAUNDERS: Thank you.
 4 9.30 on Monday. It's been quite a hard working
 5 week. It goes on, of course, for the rest of tomorrow
 6 and the weekend, but thank you very much for all
 7 people's cooperation and hard work.
 8 (4.40 pm)
 9 (The inquiry adjourned until 9.30 am on
 10 Monday, 16 November 2020)
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