

**INQUESTS ARISING FROM THE DEATHS  
IN THE LONDON BRIDGE AND BOROUGH MARKET TERROR ATTACK**

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**SUBMISSIONS ON BEHALF OF THE HOME SECRETARY  
ON THE PREVENTION OF FUTURE DEATHS**

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**INTRODUCTION**

1. These submissions are served on behalf of the Secretary of State for the Home Department (“SSHd”) to address, on behalf of the Home Office and the Department for Transport (“DfT”), the submissions served by Interested Persons on 5 August 2019 regarding matters the Coroner is invited to address in a Prevention of Future Deaths (“PFD”) report. Any Interested Person who wishes to respond has been directed to do so by 6 September 2019.<sup>1</sup> There is a final opportunity for Interested Persons to provide any further submissions by 20 September 2019.<sup>2</sup>
2. The Home Office and DfT are committed to learning lessons and improving their practices. These submissions should not be seen as, in any way, detracting from that effort: rather they seek to assist the Coroner in understanding actions that have already been taken or that are underway, and the precise scope of the Home Office and DfT’s respective spheres of responsibility.
3. Set out below are the responses of the Home Office and DfT to those submissions which are directly addressed to them. For ease of reference, the recommendations proposed by the Families of the deceased are set out in an Annex appended to these submissions. The Appendix comprehensively identifies the recommendations contained within the submissions served on behalf the parents and partner of Xavier Thomas. It also identifies further recommendations submitted by the six families of

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<sup>1</sup> Day 36, 28 June 2019.

<sup>2</sup> Ibid.

the deceased,<sup>3</sup> without repeating those which overlap substantially with the former submissions.

## **THE LEGAL FRAMEWORK**

4. These submissions are served together with those on behalf of the Security Service (MI5). The Home Office and DfT adopt in their entirety, without repeating herein, MI5's submissions concerning the *The Coroner's Duty to make a PFD Report*.

## **PRELIMINARY OBSERVATIONS**

5. The Home Office and DfT also adopt MI5's general observations regarding principles in the sections of its submissions entitled *The Risks of Further Deaths* and *The Need for Action*.
6. There are, of course, constant and ever-changing threats to this country from terrorism. There is also a vast number of potentially vulnerable locations. As Lord Anderson correctly observed at §5.24 of his Report,<sup>4</sup> 'not everything can be stopped', given that we do not live in a surveillance state and there are those who are willing to strike opportunistically without regard for their own lives. But the question for present purposes, for the Home Office and DfT, is not whether there is a risk of a further attack, but whether the information before the Coroner demonstrates that the circumstances in which the SSHD makes policy, gives rise to a concern that the nature of this activity is being exercised in such a way as to create a risk of future deaths.
7. The Home Office's strategy for counter terrorism is CONTEST. In 2018, the National Security Capability Review Report, found CONTEST to be a well organised and comprehensive response to terrorism, with strengths in terms of powers, resources, reach and resilience.<sup>5</sup>

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<sup>3</sup> The families of Christine Archibald, Sara Zelenak, James McMullan, Alexandre Pigeard, Sebastián Bélanger, Kirsty Boden.

<sup>4</sup> Attacks in London and Manchester, March – June 2017, Independent Assessment of MI5 and Police Internal Reviews, David Anderson QC, December 2017.

<sup>5</sup> Day 31, 21 June 2019, p220, lines 10-13; National Security Capability Review, March 2018, p18 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705347/6.4391\\_CO\\_National-Security-Review\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705347/6.4391_CO_National-Security-Review_web.pdf).

8. There is an important distinction to be made between circumstances which would trigger a statutory duty to make a PFD report, and circumstance which might indicate there is room for improvement in the development of policy. Inherent in above considerations is an acknowledgement of the respective remits of the Home Office and DfT, and their *policy*, as opposed to *operational*, functions.
9. The challenge for all those involved in policy and operational decisions regarding protective security (central and local government, the police, highways authorities, individual owners and operators) is balancing the need to guard against both intelligence-based and general risk on the one hand, and the rights and freedoms of the public in a democratic society, on the other. All of the above factors must be borne in mind when considering the proposed recommendations.

## THE INDIVIDUAL RECOMMENDATIONS

### *(i) Protective Security*

10. The *first* and *second* recommendations, as set out at §§11-12 of the submissions of the parents and partner of Xavier Thomas, and the first recommendation at §§15-19 on behalf of the six families which overlap, may be expressed together as:

The SSHD / OSCT [in consultation with police forces and other relevant bodies] should consider the effectiveness of the definition of crowded places to avoid rigidity. The review ought to ensure that the definition of crowded places permits crowded spaces and/or iconic locations and/or attractive targets (which do not necessarily meet the strict density criteria) be treated as crowded places.

11. The SSHD acknowledges the determination of the Coroner, in the Inquests of Xavier Thomas and Christine Archibald, that:

*At the time of the attack described above, there was no form of physical protective security on London Bridge, despite the fact that it was a location which was particularly vulnerable to a terrorist attack using a vehicle as a weapon. There were weaknesses in systems for assessing the need for such measures on the*

*bridge and implementing them promptly. Absent such weaknesses, suitable hostile vehicle mitigation measures may have been present.*<sup>6</sup>

12. The SSHD also acknowledges that at §77 of his Article 2 Determination the Coroner adopts the following criticism (at §70) of the systems:

*(a) The systems whereby sites were classified as priority Crowded Place locations for advice on protective security could be criticised as excessively rigid, causing places such as London Bridge not to be considered for advice by CTSAs. If a less rigid approach had been adopted, it was at least possible that London Bridge would have been accorded a priority classification and given protective security advice, given the increasing prevalence of vehicle-based attacks and the expert view of PS Hone that it was the most vulnerable place in the entire City area to such an attack.*

13. It is important to distinguish, as the Coroner does, but the submissions of the Families do not, between the fact that it is not the definition of crowded places which arguably gives rise to concern (the definition itself is extremely broad), but rather the system for prioritising crowded places for the provision of advice.

14. Although the Office for Security and Counter Terrorism (“OSCT”) was involved in an initial moderation process for determining the prioritisation of sites,<sup>7</sup> the ongoing prioritisation of individual sites is not a matter for OSCT. Decisions about which sites to prioritise for advice and guidance outside the tiering process is determined by police Counter Terrorism Security Advisors (“CTSAs”). OSCT is not informed about those decisions as they happen, nor is OSCT made aware of any emerging concerns about specific locations by a CTSA. This is an operational matter for the police.

15. Without prejudice to the foregoing, the Coroner heard evidence from Sarah Nacey, Deputy Director of Protect and Prepare in the OSCT that in any event, the definition of crowded places has been under review since approximately November 2016 and that a new definition / prioritisation process is currently being trialled through a ‘Crowded Places Assessment’ in two locations, with a particular focus upon how both

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<sup>6</sup> §111 Article 2 Determination.

<sup>7</sup> Day 31, 21 June 2019, p213.

permanent buildings and public spaces can be best provided with appropriate protective security advice and guidance.<sup>8</sup>

16. The trialling was completed in July 2019, and the results are now being analysed jointly between the National Counter Terrorism Security Office (“NaCTSO”)<sup>9</sup> and OSCT. The analysis will form part of a broader consideration of the effectiveness of the entire approach to crowded places and spaces, including the current prioritisation process which presently involves crowd density and geographical specificity requirements.
17. Since the attacks in 2017, the Home Office’s policy and oversight approach to crowded places and spaces has been revised to ensure that Counter Terrorism Policing (“CT Policing”) reaches a greater number of stakeholders for crowded places and spaces to provide advice and guidance, and to make these products attractive to the different audiences. This includes CT Policing delivering:
  - Crowded places sector and regional locations engagement days which provide advice and guidance for audiences from a range of crowded places responsible parties;
  - Enhanced training and awareness products for managers, front of house and other staff at crowded places, delivered through bespoke sessions by CTSA’s; and
  - An e-learning awareness training scheme (covering spotting the signs of suspicious behaviour and what to do if an attack should take place).
18. There has also been a range of specialist advice and guidance regarding protective security and preparedness at crowded places issued by CT Policing and the Centre for the Protection of National Infrastructure (“CPNI”)<sup>10</sup>.

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<sup>8</sup> Day 31, 21 June 2019, pp129, 164, 169.

<sup>9</sup> As the Coroner heard during the Inquest, NaCTSO is part of Counter Terrorism Policing which is operationally independent of the Home Office.

<sup>10</sup> For example: July 2019 - New and updated guidance relating to windows and glazed facades <https://www.cpni.gov.uk/windows-and-glazed-facades>;  
July 2019 - New guidance on due diligence in the selection and procurement on vehicle security barriers. <https://www.cpni.gov.uk/system/files/documents/9c/85/Advice%20Note%20-%20Due%20Diligence%20in%20selecting%20barriers%20-%208%20July%202019.pdf>  
March 2019 - The Security Considerations Assessment contributes to having robust, evidence-based and documented processes relating to the identification and development and management of security-related vulnerabilities. <https://www.cpni.gov.uk/security-considerations-assessment>.

19. The Government's aim is to provide appropriate advice and guidance for *all* crowded places stakeholders and locations, and the Home Office continues to consider how and where the effectiveness and efficiency of its offering can evolve further, to meet the needs of all responsible parties.

20. It must of course be recognised, however, that there are vast numbers of places and spaces in the UK which may be attractive to terrorists, whether by reason of iconic status, tourist attraction, crowd density, ease of access or any number of reasons. To give an indication of scale, there are over 625,000 organisations in the UK<sup>11</sup> that own/operate at least one crowded places location. It is self-evidently impossible and disproportionate to prioritise or provide bespoke engagement to them all in a free society. It is also important that the Government 'remains cognisant of the displacement risk...it is neither practical nor desirable to install ... [barriers] at every crowded place in the UK'.<sup>12</sup> Difficult decisions will always need to be taken regarding prioritisation. The role of the Home Office is also limited: it can only set the policy which the Police will deliver operationally, subject to the ultimate voluntary responsibility for implementation of protective security measures resting with public and private owners and operators of places and spaces.

21. The *third* recommendation as set out at §13 of the submissions of the parents and partner of Xavier Thomas, and at §§21-24 on behalf of six families, which overlap, may be expressed together as:

There should be an annual / periodic independent third party review of the list of existing crowded places conducted by a person with suitable experience of security measures and a sufficient understanding of the current security threat, with the aim of identifying categories of places which are being excluded (e.g. such as bridges in London).

22. The Coroner is referred to the submissions of MI5 regarding the *Risk of Further Deaths and the Need for Action*.<sup>13</sup> Whilst Sarah Nacey accepted that the idea of an independent

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<sup>11</sup> ONS Statistics, February 2019.

<sup>12</sup> Intelligence and Security Committee of Parliament, *the 2017 Attacks: What needs to change?* 22 November 2018 p104.

<sup>13</sup> §§13-35 of MI5's submissions.

reviewer of protective security was ‘an interesting thought’,<sup>14</sup> there was no evidence heard at the Inquests that an independent third party review of the list of existing crowded places would have identified London Bridge or bridges in London as particularly vulnerable locations. Both PS Hone and *Cerastes* were focused upon identifying locations in the City of London: their reviews were conducted at local level and focused on particular local locations. The Inquests heard repeated evidence that bridges were not considered to be a specific target for terrorist attack prior to London Bridge.<sup>15</sup>

23. The Protect strand of CONTEST deliberately cascades responsibility for protective security from national (NaCTSO) to local (CTSAs) level, so that the individuals responsible for identifying vulnerable locations have expert local knowledge. This is how PS Hone was able to identify London Bridge as a potentially vulnerable location. There is no evidence that an independent individual of unknown expertise would have been in a position to do so.

24. It is also inappropriate for a PFD report to prescribe such particular action to be taken:

*24. In some cases the action to be taken following the coroner's concern will be obvious. But it is not for the coroner to express precisely what action should be taken. A PFD report is a recommendation that action should be taken, but not what that action should be. The latter is a matter for the person or organisation to whom the PFD report is directed. Hallett LJ expressed it in this way: 'However, it is neither necessary, nor appropriate, for a coroner making a report under rule 43 to identify the necessary remedial action. As is apparent from the final words of rule 43(1), the coroner's function is to identify points of concern, not to prescribe solutions.' (7/7 Bombings Inquests, ibid. p15.)*<sup>16</sup>

25. More broadly it is questionable what value a retrospective review of the existing list of crowded places would add. The tragic events of 2017 have been reviewed by David Anderson QC (now Lord Anderson) (supported by a number of independent experts, including an Australian counter terrorism expert) and by the Intelligence and Security Committee (“ISC”) of Parliament. The ISC examined the protective security of

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<sup>14</sup> Day 31, 21 June 2019, p180.

<sup>15</sup> See for example, Day 28, 18 June 2019, pp42-43 and Day 31, 21 June 2019, p141.

<sup>16</sup> §24 of Chief Coroner's Guidance No. 5.

crowded places and made specific recommendations.<sup>17</sup> The ISC also noted the risk of displacement of terrorist attacks to less well-protected areas.<sup>18</sup>

26. Furthermore, the work of the Government on counter terrorism is already subject to regular reviews, including the revision of the CONTEST strategy in 2018, and the employment of the Independent Reviewer of Terrorism Legislation, currently Jonathan Hall QC. However, these are focussed on high level systems and legislation, where it is practical for a single person or small team to review all the issues, rather than examination of a particular aspect of policy in isolation. Thus, the Home Office and DfT do not accept that a recommendation in this area is necessary or appropriate.

27. The *fourth* recommendation as set out at §14 of the submissions of the parents and partner of Xavier Thomas, and at §§25-32 on behalf of six families, which overlap, may be expressed together as:

It is recommended that:

- (a) Guidance should be issued by the SSHD/Home Office/DfT to all highway authorities on the scope of their responsibility for assessing locations for which they are responsible.
- (b) Guidance should to be issued by OSCT/NaCTSO[/MPS/CoLP] to Counter-Terrorism Security Advisers on the scope of Highway Authorities to assess locations.
- (c) Consideration should be given by SSHD/DfT to specific statutory duty on highway authorities (and where necessary, infrastructure owners) to consider and where necessary enact counter-terrorism measures.
- (d) The SSHD should consider whether CTSA's ought to have a power to compel duty holders (whether as highway authorities or otherwise) to implement counterterrorism security measures.

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<sup>17</sup> See recommendations LL and MM of the Intelligence and Security Committee of Parliament, *the 2017 Attacks: What needs to change?* 22 November 2018 p114.

<sup>18</sup> *Ibid.* p104.



28. Firstly, the Coroner's attention is again respectfully drawn to paragraph 24 of the Chief Coroner's Guidance No.5.

29. Secondly, and without prejudice to the foregoing, as the Inquests heard, highways authorities are subject to a legislative duty under section 17 of the Crime and Disorder Act 1998, to take account of reducing crime and disorder in the exercise of their functions. The Inquests heard evidence from Siwan Hayward, of Transport for London, that:

*We in Transport for London, as with other local authorities, are actively using our duty under section 17 of the Crime and Disorder Act to consider protective security in all our schemes where we are developing the highway<sup>19</sup>*

30. There are also other regulatory duties, for example, under health and safety and fire safety legislation, that can produce results beneficial for security and counter terrorism purposes.<sup>20</sup>

31. Highways maintenance and management is a devolved statutory duty under the Highways Act 1980. The Highways Act already also gives powers to local highways authorities, specifically "*to install barriers, rails or fences for the purpose of safeguarding persons using the street*".

32. Thirdly, in relation to part (a) above, there is significant advice and guidance already available for all parties responsible for crowded places and provided through multiple means including: a national network of Police CTSA's, awareness raising sessions with staff, communication campaigns, and online advice. These provide all responsible parties with advice for all plausible terrorist methodologies and proportionate mitigation measures. The recommendation suggested is therefore unnecessary.

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<sup>19</sup> Day 31, 21 June 2019, p23.

<sup>20</sup> Day 31, 21 June 2019, pp131-132.

33. The ‘Well Managed Highways Infrastructure Code of Practice’<sup>21</sup> has been developed by the UK Roads Liaison Group. The Group brings together national and local government from across the UK, chaired by DfT, with membership including local highways authorities. The Code of Practice notes that “*Authorities should adopt a security-minded approach to their assets, information and people through understanding and routine application of appropriate and proportionate security measures to deter and/or disrupt hostile, malicious, fraudulent and criminal behaviours or activities*”, and later lists one of the risks to be considered as “*terrorist, malicious or criminal attacks or civil protest*”, also advising that “*The resilience measures implemented to manage these and other local risks are likely to include physical works, staff training, customer information, management plans and procedures and adoption of an appropriate and proportionate security minded approach*”.
34. The UK Roads Liaison Group is also considering whether the security aspects of this guidance should be amended. The Group next meets in November 2019.
35. The Chartered Institute of Highways and Transportation has also produced the guidance document “Manual for Streets 2”.<sup>22</sup> This document references the protection of pedestrians, noting that “*With an evolving criminal and terrorist threat to infrastructure and areas where high concentrations of the public may gather, certain sites may have anti-ram protection measures installed to protect them from vehicle-borne attack.*” DfT is currently working with CPNI to consider updating the guidance ‘Manual for Streets 2’.
36. Fourthly, in relation to part (b) above, NaCTSO, CT Policing and individual forces are responsible for instructions, guidance and training to CTSAAs.
37. Fifthly, in relation to part (c) above, the Inquests heard evidence that consideration is currently being given to mandating protective security duties through legislation and this includes highways authorities.<sup>23</sup> To legislate for protective security and preparedness measures requires careful consideration of the threat; what is appropriate and necessary to keep the public safe; and the implications of such a requirement on

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<sup>21</sup> Published October 2016.

<sup>22</sup> Published in 2010.

<sup>23</sup> Day 31, 21 June 2019, pp146-147.

all those who would be impacted. The Government keeps this issue under consideration in light of assessments of terrorist threats.

38. Sixthly, in relation to (d) above, this would require a primary legislative basis, for which there is already a wider ongoing consideration. If powers were to be conferred on CTSA's, these would be parasitic upon a primary legislative duty.
39. The *fifth* recommendation as set out at §15 of the submissions of the parents and partner of Xavier Thomas and at §§33-36 on behalf of six families, which overlap, may be expressed together as:

It is recommended that:

- (a) Advice/training needs to be provided to CTSA's to ensure that they are aware of the full range of rapid response options to combat hostile vehicle attacks are known.
- (b) OSCT/[NaCTSO] consider issuing guidance on rapid response options available.
- (c) [Police forces, highway authorities and] the Home Office should review and enhance their capability to install temporary hostile vehicle mitigation with reasonable speed where a threat is identified.

40. The Coroner's attention is again respectfully drawn to paragraph 24 of the Chief Coroner's Guidance No.5.
41. In relation to part (a) above, NaCTSO, CT Policing and individual forces are responsible for instructions, guidance and training to CTSA's.
42. In relation to parts (b) and (c) above, OSCT and the Home Office have no role in the operational delivery of rapid response options including deployment of the National Barrier Asset: this is the responsibility of Policing. As part of its funding of Counter Terrorism Policing, the Home Office funds the National Vehicle Threat Mitigation Unit (NVTU) which manages the National Barrier Asset and which works with the Hostile Vehicle Mitigation (HVM) industry to raise awareness of threats and with event

organisers and public bodies on HVM effectiveness. This funding is regularly reviewed.

43. The *sixth* recommendation as set out at §22 of the submissions of the parents and partner of Xavier Thomas is:

The Home Office[/Police/MI5] should consider whether a [further] campaign is required to raise awareness of the Anti-Terror Hotline and to impress upon everyone their individual responsibility to report concerns even if they concern a family member

44. The Coroner's attention is again respectfully drawn to paragraph 24 of the Chief Coroner's Guidance No.5, as well as to §§88-94 of MI5's submissions. The Inquests revealed no evidence of any of the family members of the attackers being aware of any attack planning. The question of what could or should have been done in the event that Butt's family in particular had made use of the Anti-Terror Hotline, is a hypothetical one. It is also one which has no causative bearing on the deaths under investigation as there is no evidence that anything they could have revealed, had further enquiries of the family been made, would have indicated that Butt was engaged in attack planning.

45. Notwithstanding the above, ensuring awareness of the Anti-Terror hotline is entirely an operational matter for CT Policing.

**(ii) Wider Issues**

46. The *seventh* recommendation as set out at §22 of the submissions of the parents and partner of Xavier Thomas and the proposed recommendation at §§96-98 on behalf of the six families which overlap, may be expressed together as:

The SSHD should consider whether it ought to be an offence for an individual not to report a person to the authorities where the individual knows that a person is either a member of proscribed organisation or accessing extremist material produced by a proscribed organisation, that is, whether the legal framework surrounding the need to report plans to engage in terrorism is sufficiently robust.

47. The SSHD adopts and repeats the position articulated by MI5 at §§95-96 of its submissions, that is, there is already in existence a relevant criminal law offence, namely section 38B of the Terrorism Act 2000:

***38B Information about acts of terrorism***

*(1) This section applies where a person has information which he knows or believes might be of material assistance—*

*(a) in preventing the commission by another person of an act of terrorism, or*

*(b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.*

*(2) The person commits an offence if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3).*

*(3) Disclosure is in accordance with this subsection if it is made—*

*(a) in England and Wales, to a constable,*

*(b) in Scotland, to a constable, or*

*(c) in Northern Ireland, to a constable or a member of Her Majesty's forces.*

*(4) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.*

*(5) A person guilty of an offence under this section shall be liable—*

*(a) on conviction on indictment, to imprisonment for a term not exceeding [10 years], or to a fine or to both, or*

*(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.*

*(6) Proceedings for an offence under this section may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place where the person to be charged is or has at any time been since he first knew or believed that the information might be of material assistance as mentioned in subsection (1).*

48. It is a matter for the Crown Prosecution Service whether to bring charges under this section in a particular case. Whether the criminal law is sufficiently robust, and whether the CPS should bring more prosecutions, are questions that are well beyond the proper scope of a PFD report.

49. The *eighth* recommendation as set out at §23 of the submissions of the parents and partner of Xavier Thomas and at §§37-38 on behalf of six families, which overlap, may be expressed together as:

The SSHD[/MI5] should consider the viability of a scheme which requires the details of all applicants for jobs on the public transport network (such as the London Underground, airports or notable railways stations) to be entered into a database of SOIs and closed SOIs.

50. The Court heard evidence from Witness L that locations such as airports already make use of security vetting systems requiring each individual location to make judgments as to levels of risk.<sup>24</sup> In considering legislation and vetting policies the SSHD must consider the rights and freedoms of UK citizens, including those arising from the European Convention on Human Rights and under the Data Protection Act 2018 as well as law enforcement needs. It is doubtful whether it would be either necessary, proportionate or practical to require the personal details of all applicants for jobs (of whatever sort) on the public transport network to be passed to MI5. Without prejudice to the foregoing, the Home Office would be guided by its operational law enforcement partners as to whether such a scheme would be viable and useful before considering it. The Coroner's attention is drawn to MI5's submissions at paragraphs 107 to 111 in this regard.

51. The *ninth* recommendation as set out at §23 of the submissions of the parents and partner of Xavier Thomas and at §§39-46 on behalf of six families, which overlap, may be expressed together as:

The SSHD[/MI5/]British Vehicle Rental and Leasing Association should consider new measures aimed at detecting, deterring and preventing vehicle hire for the purpose of terror attack including whether it is viable to have a mandatory scheme for all vehicle rentals (or large vehicle rentals) to be processed through a database which would alert the authorities (including in real time) if an SOI (or a closed SOI) was hiring such a vehicle.

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<sup>24</sup> Day 25, 13 June 2019, pp69-70.

52. The Inquests heard evidence from Witness L<sup>25</sup> and Sarah Nacey<sup>26</sup> regarding this issue.

Whilst Witness L accepted that it would be technically possible to enact legislation providing for notification of those who were applying for vehicle rentals to MI5, he explained that:

*My understanding is there are something like 15 million vehicle hires in the United Kingdom in a year. I would not want a system where MI5 needed to opine on all of those.*<sup>27</sup>

53. When asked whether he would be keen to see ‘a workable procedure’, his response was:

*If a workable one could be found, but I don't think the practical difficulties here should be underestimated.*<sup>28</sup>

54. The Home Office and DfT are willing to consider any proposals for legislation or policy deemed necessary by law enforcement partners, including MI5 and CT Policing. However, there is no point seeking the enactment of legislation to mandate vehicle hire notifications unless there is an identified, practical, realistic and useful way of harnessing the data for law enforcement purposes. At present, that is not the case.

55. Further, the Coroner will also note that this was a subject that was given detailed consideration by the ISC (see in particular, pp.39-40 of the ISC Report) and was the subject of a specific recommendation (M) to which the Government has responded. Therefore, this is an issue which is being actively reviewed, including ongoing assessment of the Rental Vehicle Security Scheme (see below).

56. In addition, the Inquests did hear evidence of a voluntary Rental Vehicle Security Scheme aimed at reducing the risk of a hire vehicle being used for a terrorist attack which has been introduced since the London Bridge attack, to which 80% of the market have signed up.<sup>29</sup> Work is ongoing with industry associations to increase the membership of this scheme.

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<sup>25</sup> Day 25, 13 June 2019, pp124-125.

<sup>26</sup> Day 31, 21 June 2019, pp199-200.

<sup>27</sup> Day 25, 13 June 2019, pp125.

<sup>28</sup> Day 25, 13 June 2019, pp125.

<sup>29</sup> Day 31, 21 June 2019, p198.

57. The *tenth* recommendation as set out at §§47-51 of the submissions on behalf of six families is:

The Government [and police forces] should assess whether current levels of police firearms officers are appropriate to the risk which the public and police officers face, especially in the London area

58. It is for the Chief Officers of individual police forces to determine the number of authorised firearms officers in their area based on a thorough assessment of the threat and risk. The Government has provided £144 million over a five-year period, to support a national uplift to armed policing capability and capacity, in order to respond more quickly and effectively to terrorist attacks. This means that the number of armed police will increase by approximately 1000. For security reasons, the Home Office cannot disclose the breakdown of uplift by force. The number of armed response vehicles has more than doubled in London.

59. The *eleventh* recommendation as set out at §137 of the submissions on behalf of the six families is:

The Government should reconsider ‘run, hide, tell’

60. The Home Office considers that there is insufficient if any evidence to indicate that the current ‘Run, hide, tell’ gives rise to circumstances which create a risk of future deaths.

61. In any event, ‘Run, hide, tell’ is a police-devised and disseminated communications and awareness campaign. It is part of a wider suite of guidance, which addresses the recommended responses to a range of possible attack scenarios and is required to be viewed in the context of that wider guidance.

62. The *twelfth* recommendation as set out at §§47-51 of the submissions on behalf of six families is:



The Government [in consultation with MPS and CoLP] should consider whether the existence of two police forces each responsible for separate geographical areas of London makes it difficult to co-ordinate an effective emergency response in a terrorist attack.

63. It is clear from recent attacks – particularly the attack on London Bridge and Borough Market - that interoperability between the City of London Police and the MPS is essential in responding to terror threats. This recommendation is concerned with interoperability rather than structural reform for its own sake.

64. Interoperability, that is, joint working between public bodies is a feature of other updates on recommendations in these submissions, and it is clear that an excellent relationship exists between the two London forces.

65. A merger between the Metropolitan Police and City of London Police would require primary legislation. If the Mayor of London and City of London Police Authority believed that an amalgamation would improve the service they provide to the public, they could submit a proposal to merge to the Home Secretary. Given that each potential merger between police forces could have a very different impact and different challenges would arise, the Home Office would require such proposals to be accompanied by a robust business case and demonstrate there was sufficient community consent.

66. At this time, then the Home Office considers this recommendation resolved by other means and does not plan to pursue a merger as the most effective means of securing better joint working

## CONCLUSION

67. The SSHD respectfully acknowledges the Coroner's concerns regarding the prioritisation system for crowded places and spaces, which is relevant to the first and second proposed recommendations. However, the crowded places and spaces policy is currently subject to a refresh programme to consider the entire approach to crowded

places and spaces, including the current prioritisation process which presently involves crowd density and geographical specificity requirements.

68. The SSHD does not accept that the statutory criteria for the proposed recommendations 3, 4, 5, 6, 7 are met or that these matters fall within the proper scope of a PFD report. Notwithstanding this, where appropriate relevant actions have already been taken in any event, these are set out herein.

69. The SSHD is not the correct addressee for the proposed recommendations 5, 6, 10, or 11.

70. Even if the statutory criteria were met for recommendations 8, 9, and 12, which is not accepted, these recommendations are best addressed by law enforcement bodies.

**FRANCESCA WHITELAW**

**5 ESSEX COURT**

6 September 2019

## APPENDIX

### RECOMMENDATIONS PROPOSED BY THE FAMILIES

*On behalf of the parents and partner of Xavier Thomas and on behalf of the six families of the deceased<sup>30</sup>*

*(i) Protective Security*

1. The SSHD / OSCT should consider the effectiveness of the definition of crowded places to avoid rigidity.
2. The review at paragraph 1 above ought to ensure that the definition of crowded places permits crowded spaces and/or iconic locations and/or attractive targets (which do not necessarily meet the strict density criteria) be treated as crowded places.
3. There should be an annual / periodic independent third party review of the list of existing crowded places conducted by a person with suitable experience of security measures and a sufficient understanding of the current security threat, with the aim of identifying categories of places which are being excluded (e.g. such as bridges in London)
4. It is recommended that:
  - (a) Guidance should be issued by the SSHD/Home Office/DfT to all highway authorities on the scope of their responsibility for assessing locations for which they are responsible.
  - (b) Guidance should to be issued by OSCT/NaCTSO[/MPS/CoLP] to Counter-Terrorism Security Advisers on the scope of Highway Authorities to assess locations.

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<sup>30</sup> The families of Christine Archibald, Sara Zelenak, James McMullan, Alexandre Pigéard, Sébastien Bélanger, Kirsty Boden.

- (c) Consideration should be given by SSHD/DfT to specific statutory duty on highway authorities (and where necessary infrastructure owners) to consider and where necessary enact counter-terrorism measures.
  - (d) The SSHD should consider whether CTSA's ought to have a power to compel duty holders (whether as highway authorities or otherwise) to implement counterterrorism security measures.
5. It is recommended that:
- (a) Advice/training needs to be provided to CTSA's to ensure that they are aware of the full range of rapid response options to combat hostile vehicle attacks are known.
  - (b) OSCT[/NaCTSO] consider issuing guidance on rapid response options available.
  - (c) [Police forces, highway authorities and] the Home Office should review and enhance their capability to install temporary hostile vehicle mitigation with reasonable speed where a threat is identified.

(ii) *Wider Issues*

6. The Home Office[/Police/MI5] should consider whether a [further] campaign is required to raise awareness of the Anti-Terror Hotline and to impress upon everyone their individual responsibility to report concerns even if they concern a family member.
7. The SSHD should consider whether it ought to be an offence for an individual not to report a person to the authorities where the individual knows that a person is either a member of proscribed organisation or accessing extremist material produced by a proscribed organisation.
8. The SSHD[/MI5] should consider the viability of a scheme which requires the details of all applicants for jobs on the public transport network to be entered into a database of SOIs and closed SOIs.
9. The SSHD[/MI5/]British Vehicle Rental and Leasing Association should consider whether it is viable to have a mandatory scheme for all vehicle rentals (or large vehicle rentals) to be processed through a database which would alert the authorities if an SOI (or a closed SOI) was hiring such a vehicle.

*On behalf of the six families of the deceased*<sup>31</sup>

10. The Government [and police forces] should assess whether current levels of police firearms officers are appropriate to the risks which the public and police officers face, especially in the London area.
11. The Government should reconsider 'run, hide, tell'.
12. The Government, [in consultation with the Metropolitan Police and City of London Police] consider whether the existence of two police forces each responsible for separate geographical areas of London makes it difficult to co-ordinate an effective emergency response to a terrorist attack.

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<sup>31</sup> The families of Christine Archibald, Sara Zelenak, James McMullan, Alexandre Pigeard, Sebastián Bélanger, Kirsty Boden.

