



HOUSES OF PARLIAMENT

His Honour Judge Lucraft QC, Chief Coroner of England and Wales
c/o Siân Jones
Bircham Dyson Bell
50 Broadway
London
SW1H 0BL

9 November 2018

Dear Chief Coroner

Westminster Bridge inquests: Consideration of Report to Prevent Future Deaths

Thank you for the opportunity of responding to the Preventing Future Deaths issues raised on behalf of, respectively, the widow and siblings / other family members of PC Keith Palmer GM.

Automation of Carriage Gates

The one issue raised by the Interested Persons which directly engages the responsibilities of the Parliamentary Authorities is contained in Mr Adamson's submissions of 11 October 2018 for PC Palmer's widow. At paragraph 14-15, 18g those submissions state:

"14. ...[PC Palmer's widow] also considers that the fact that the gates are still manually operated is antiquated and unsafe.

15. The Carriage Gates are still operated manually. It has been suggested that the process of manually operating gates can distract unarmed officers' attention away from a potential threat. PC Palmer's widow invites consideration of the installation of electronic gates so that unarmed officers at the gates can focus on the potential threats whilst they are being opened (it is recognised that this may need to be considered by both the MPS and the Parliamentary Authority)."

Office of Speaker's Counsel House of Commons

T: [REDACTED] E: [REDACTED]

18. Therefore, it is our submission that the Coroner should consider preparing a report in relation to the following matters:-

(g) The MPS and the Parliamentary Authorities should consider whether the Carriage Gates which are presently operated manually by unarmed officers could be operated electronically to enable officers at the gates to focus on potential hazards.
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The factual position: the project to improve New Palace Yard security features

It may assist if I first clarify and expand on the relevant aspects of the planned improvement works to New Palace Yard.

As Mr Hepburn explained in his evidence, the December 2013 review into the Security of the Parliamentary Estate led to plans for a multi-million-pound package of works to New Palace Yard. Following the attack on 22 March 2017, further consultation and planning were undertaken and modifications were made to the design.

The Parliamentary Authorities are conscious that a considerable period of time has already elapsed since the recommendations were made, and are therefore very keen to progress these works and to avoid further delay.

As Mr Hepburn made clear, there are complexities in any such major project at the Palace of Westminster; it is a Grade 1 listed building as well as a UNESCO World Heritage site. This inevitably adds to the process of planning the work, scoping it, consulting those with an interest in it, and appointing a contractor through a fair and open competitive process. Following the further consultations after the attack¹, the approach to the project is now reasonably settled. The project is currently going through the pre-application stage for planning permission.

As is usual for such a major project, options were short listed and assessed against a number of criteria. Three short-listed options that involved lower costs and fewer improvements have all been rejected. The consensus is to proceed with a fourth option which involves a range of substantial physical modifications to the entrance, in order to improve protection against pedestrian incursions and provide better screening of pedestrians, cyclists and vehicles, as well as the repair and improvement of the original heritage Carriage Gates. Those Gates are to be re-instated so that they can be manually opened and closed as is done with the current temporary modern gates.

As part of this planned approach, the heritage Carriage Gates (as refurbished) will be trialed in place, in consultation with the MPS.

¹ Those consulted included, relevantly, the Metropolitan Police Service and CPNI.

At that stage and following the trial, the plan for the improvement works already envisages that further consideration will then be given as to whether automation of Carriage Gates is a necessary and desirable further step.²

Representations regarding a PFD report

Against this background, the Parliamentary Authorities wish to make the following brief representations about any PFD report.

Not necessary to make a report that automation of Carriage Gates be considered

From the wording of Mr Adamson's submission, I would understand that what is being suggested is a PFD report which invites the Parliamentary Authorities to *give consideration to* the automation of Carriage Gates. As set out above, I can confirm, and would wish to reassure PC Palmer's family, that the approach to the planned improvements works in NPY already includes a stage at which further consideration will be given to this option.

We would therefore suggest that a PFD report to that effect is unnecessary because it is a step that is already going to be taken.

Not appropriate to make a report which recommends that Carriage Gates should be automated

I do not understand it to be suggested by Mr Adamson's submissions that a PFD report should be directed to the Parliamentary Authorities which positively suggests that Carriage Gates *should be* automated (as opposed to inviting that consideration be given to that issue). For the avoidance of doubt, however, the Parliamentary Authorities would respectfully suggest that such a report would be inappropriate. That is so for four reasons.

- First, it is clear that in relation to PFD reports, "... *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*" (Chief Coroner's Guidance No.5 at §24, original emphasis).
- Secondly, the Parliamentary Authorities are concerned that an assessment whether to automate Carriage Gates is an assessment that should be made once the refurbished heritage Carriage Gates have been trialled and in the context of the wider

² A fifth short-listed option would have involved the same measures as Option 4 but with the addition of replica Carriage Gates to facilitate either automated or assisted operation. In considering these options, it was noted that this option did not offer any perceived benefits over the fourth option. At the same time, the risk of not obtaining planning consents for the works with this option would have been higher, partly because it is unlikely that the heritage gates, which are part of the listed structure, could be automated. Notwithstanding this, it has been decided to review the position once the refurbished Carriage Gates have been installed. Gate automation / assisted gate operation under Option 5 has therefore not been ruled out.

improvements being introduced. Equally, the assessment will need to be done in consultation with the MPS and potentially other experts. Importantly, the assessment must also take account of both the potential benefits and the potential drawbacks of gate automation. In that regard,

- the Parliamentary Authorities entirely accept that the previous Director of Security for Parliament raised a concern about the risk of distraction for the unarmed police officers who would need manually to open and close Carriage Gates (Mr Hepburn's statement, §69 referring to the ad hoc review of Carriage Gates in March 2016).
 - However, since the post-attack installation of the temporary Carriage Gates which are being frequently opened and closed, PSD has not received any indications of concern that in practice the police officers at the gates are being distracted in this way³. The evidence heard at the Inquest did not suggest that such distraction was a significant concern for the police officers, now that the gates are being opened and closed as the standard operational practice on the ground. Significantly, the automation of Carriage Gates has not been requested by MPS or by other bodies in the process of further consultation over the proposed works since the attack.
 - In terms of potential drawbacks, the speed of gate closure if the gates were automated and their reliability could pose security concerns (as with other changes, the prospect of creating new risks must be borne in mind; in the current context power failure and motor/system reliability are obvious examples). Consideration would need to be given to the size, power and location of the motors, and the need for replica Gates, since it may be unlikely that the original heritage Carriage Gates can be appropriately automated.
- Thirdly, PSD would obviously not countenance additional proportionate costs or heritage concerns being allowed to outweigh real security benefits *if* the automation of Carriage Gates were considered to be a necessary further security step, once the refurbished heritage Carriage Gates have been trialled. Nevertheless, planning consent would need to be obtained and therefore it is not solely within the Parliamentary Authorities' power to agree to the automation of Carriage Gates.
 - Fourthly, a requirement to automate Carriage Gates *now*, ahead of the trial which is envisaged as part of the planned works, will lead to further delays in the overall project. In turn, this would delay the implementation of the other security benefits which the project will bring. It is highly undesirable to risk jeopardizing the implementation timescales for these planned improvements.

³ This may be in part because of the crowd control barriers which assist in providing a degree of separation.

For these reasons, it is not necessary to make a PFD report to invite the Parliamentary Authorities to *give consideration to* the automation of Carriage Gates, since such consideration is already planned for at an appropriate stage of the NPY improvement works. It would not be appropriate to make a PFD report suggesting that Carriage Gates *should be* automated.

I have no objection to this letter being copied to the other Interested Persons and please do not hesitate to contact me if you require any further information in relation to these matters.

Yours sincerely

A large black rectangular redaction box covering the signature of the Speaker's Counsel.

Speaker's Counsel