

ANNEX B

CITY OF YORK (xxxxxx, CITY CENTRE) (ANTI-TERRORISM TRAFFIC REGULATION) ORDER 2024

The Council of the City of York ("the Council") in exercise of its powers under Sections 1 and 92 and by virtue of Sections 22C and 22 D of the Road Traffic Regulation Act 1984 ("the Act"), and Part IV of Schedule 9 to the Act, and of all other enabling powers and after consultation with the Chief Officer of Police for North Yorkshire in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

INTERPRETATION

1. In this Order:-

"authorised agent or designated person" means any event stewards or security personnel employed by a company contracted to provide security on behalf of the Council

"terrorism" has the same meaning as in section 1 of the Terrorism Act 2000(c); and "traffic authority" has the same meaning as in section 121(A) of the Road Traffic Regulation Act 1984.

TRAFFIC REGULATION

2. Save as provided in Article 3 of this Order, no person shall, except upon the direction or with the permission of a police constable, enter or proceed in or cause or permit any vehicle to enter or proceed or wait in any street or length of street for which the council of the City of York is the traffic authority for the area bounded by blue line on the plan annexed to Schedule 1 to this Order.
3. Nothing in Article 2 of this Order shall apply to any police, fire brigade or ambulance vehicle personnel or vehicles on official duty.
4. Article 2 of this Order shall be commenced, suspended or revived at the discretion of a police officer of North Yorkshire Police of the rank of Superintendent or above to such extent and for such period as they may specify.
5. The Chief Constable of Police for North Yorkshire may:
 - (i) In consultation with the Chief Executive of the Council or their nominated representative enable a constable to direct that any provision of this Order (shall to the extent as the constable may specify) be commenced, suspended or revived;
 - (ii) In consultation with the Chief Executive of the Council or their nominated representative confer a discretion on a constable to delegate this authority under section 22D(5)(d) of the Act to an authorised agent or designated person for such period as they think necessary for a purpose relating to danger or damage connected with terrorism;

(iii) in consultation with the Chief Executive of the Council or their nominated representative confer a power on a constable to place or authorise or require to be placed, at or near any point on the roads specified in the plan annexed to Schedule 1 to this Order, such signs, structures, bollards or other obstructions as is considered appropriate for preventing the passage of vehicles or pedestrians;.

(iv) in consultation with the Chief Executive of the Council or their nominated representative authorise the undertaking of works for the purpose of, or for the purpose ancillary to another provision of this Order.

6. Any discretion exercised in accordance with Articles 4 and 5 shall be exercised in accordance with Schedule 2 to this Order and shall have regard to any protocol for the time being in force between the Council of the City of York and North Yorkshire Police.

STRUCTURES/BOLLARDS/OBSTRUCTIONS

7. The structures, bollards or other obstructions that may be placed pursuant to Article 5 to this Order may;

- (i) include any obstructions of any description whatsoever;
- (ii) be fixed or moveable; and
- (iii) be placed so as to prevent the passage of vehicles or persons at all times or at certain times only.

8. Any other Order made under the Road Traffic Regulation Act 1984 currently in force which conflicts with or is inconsistent with this Order shall take effect subject to this Order and shall, insofar as it is inconsistent with this Order, be suspended for the duration of this Order.

COMMENCEMENT

7. This Order shall come into operation on _____ 2024 and may be cited as the City of York (xxxxxxxxxxxxxx City Centre)(Anti-Terrorism Traffic Regulation) Order 2024

SCHEDULE 1

Plan

SCHEDULE 2

Protocol

Criteria for Commencing, Suspending and Reviving City of York (xxxxxxxxxxxxx City Centre) (Anti-Terrorism Traffic Regulation) Order 2024 (“the Order”).

(1) Criteria for commencement, suspension or revival

The Order will only be commenced, suspended or revived, and only to the extent necessary, for the following purposes:

1. avoiding, or reducing the likelihood of, danger connected with terrorism; and
2. preventing or reducing damage connected with terrorism.

(2) Commencement or Revival of the Order

1. The Order may not be commenced or revived unless a North Yorkshire police officer of the rank of Superintendent or above is satisfied that they have sound reason for doing so based on a specific threat, security assessment or specified intelligence that there is a threat of danger or damage due to terrorism. On reaching that decision, they shall, as soon as reasonably possible, begin the notification procedure set out in paragraph (4), below.

2. If a spontaneous incident occurs based on a specific threat, security assessment or specified intelligence that there is a threat of danger or damage due to terrorism a police officer of the rank of Superintendent or above will commence or revive the order. On reaching that decision, they shall:

- (a) as soon as reasonably possible notify a police officer of at least the rank of Superintendent of the decision; and
- (b). immediately notify the Council's CCTV control room and issue an RMCI notification through the emergency planning process to alert other category 1 and 2 responders.

(3) Suspension of the Order

1. Once the Order has been revived or commenced it will be suspended as soon as a North Yorkshire police officer of the rank of Superintendent or above is satisfied that the likelihood of danger or damage connected with terrorism relied upon to commence or revive the Order is removed or reduced. The Order may be suspended in part if the preceding circumstances arise only in respect of part of the operation of the Order.

The suspension will be notified to the Council as soon as possible after the decision to suspend the order (or any part of it) is made.

(4) Notification

1. Before commencing, suspending or reviving the Order North Yorkshire Police must notify the Council of the intention to revive the Order, briefly describing the general nature and effect of the proposals, and naming or describing the roads to which the proposals relate (unless the giving of such notice is considered inappropriate having regard to its purpose or cannot be given due to urgency).

2. Subject to para. 4.1 above, the intention may be publicised in such ways as may be appropriate for the purpose of informing persons likely to be affected by the proposals at least seven days before the proposals take effect (or such lesser period as may be appropriate having regard to the circumstances) unless the giving of such notice is considered inappropriate having regard to its purpose or cannot be given due to urgency.

3. The Order must not be commenced, or revived unless North Yorkshire Police have given prior notice of the proposals to the Council of the City of York at least seven days before the proposals take effect or as soon as reasonably practicable unless the giving of such notice is considered inappropriate having regard to its purpose or cannot be given due to urgency. If the Order is commenced or revived urgently due to a spontaneous incident, North Yorkshire Police shall immediately notify the Council's CCTV control room and issue an RMCI notification through the emergency planning process to alert other category 1 and 2 responders.

4. Where the decision is made to suspend the Order (or any part of it) North Yorkshire Police shall notify the Council of the City of York as soon as possible after the decision is made to suspend the Order (or any part of it).

5. So far as the prohibition in this order conflicts or is inconsistent with the provisions of any other Order made under the Road Traffic Regulation Act 1984, the prohibition in the order shall prevail.

(5) Criteria for determining the extent of the restrictions

The Order will only be commenced or revived in accordance with the following:

- (1) Access will only be restricted to the minimum number of roads necessary to remove or reduce the danger;
- (2) Access will be restricted only to the minimum number and types of road users necessary to remove or reduce the danger;
- (3) Access will only be restricted for the minimum period necessary to remove or reduce the danger; and
- (4) In no circumstances will access be restricted for a continuous period longer than 48 hours without the prior approval of the Commissioner of Police and the Chief Executive of the Council (or his/her nominated deputy).

Statement of Reasons

Anti-Terrorism Traffic Regulation Order

The anti-terrorism traffic regulation order is proposed in order to comply with a request from the Chief Constable of Police for North Yorkshire to potentially control temporarily and occasionally the access/use of vehicles and/or movement of pedestrians on City centre streets as part of a package of measures aimed at improving the security of people in crowded places and protecting damage to buildings from a potential terrorist attack.

The Order would give to an officer of the North Yorkshire Police of the rank of Superintendent or above the power to restrict all or part of any City centre street at their discretion on the basis of a security assessment or intelligence of a threat. The discretion must be exercised in accordance with the Schedule and any agreed Protocol for the time being in force to ensure that any interference is proportionate and that such restrictions are for the minimum extent and for the minimum period necessary.