
Executive

29 August 2019

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Transport

City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

Summary

1. At the Executive in February 2018, members heard from the Police on the risk of a hostile vehicle attack on the city, whilst there is no specific intelligence the national threat level remains high.
2. This report asks the Executive to take decisions to progress towards the implementation of the hostile vehicle rated measures (PAS 68) in an area of the City Centre (see Map at Annex A – Phase 1 area), to mitigate the impact of a hostile vehicle attack and to reduce the likelihood of such an attack.
3. In addition, it proposes to implement complementary measures to those installed by the racecourse to mitigate the risk at the racecourse on the public highway.
4. The first step in implementing the permanent security measures is to make the current Experimental Traffic Regulation Order for the city centre permanent.
5. Executive have been clear throughout the process that whilst public safety takes precedence over public access this needs to be balanced and they expected officers to engage and work with key stakeholders to minimise the impact upon those who will be most affected by the restriction. The report includes details of the process of engagement and the key themes emerging from this engagement.

6. The report outlines the next steps to procurement of physical measures if the Experimental Traffic Regulation Order changes are made permanent.

Recommendations

7. Members are asked to consider the following recommendations:
 - a) Note the update provided in this report and its annexes, including the traffic monitoring and findings from stakeholder engagement events and the objections to making the Experimental Traffic Regulation Order Permanent.
 - b) Following consideration of the objections, approve the making permanent of the Experimental Traffic Regulation Order, whereby the city centre will be closed to all traffic except emergency vehicles and those with essential permission, during the footstreets hours, which are currently 10:30am to 5:00pm. (normally)
 - c) Authorise officers to progress the process of advertising and changing the Traffic Regulation Order exemptions to create a new permit for emergency and essential permissions to the city centre under a single heading of permit holders.
 - d) To implement and review the findings from the various disabled group workshops as indicated in Annex B and to undertake further reviews as to any improvements to disabled access and disabled parking between city centre car parks and the footstreets area that would further mitigate the impact of implementing the TRO (also see Annex F for further detail of the engagement process and results).
 - e) To note the design of the new bollard as shown in Annex G following consultation with conservation groups.
 - f) To delegate to the Assistant Director Transport, Highways and Environment the procurement and installation of non-moving bollards at the end of Parliament Street at the earliest opportunity.

- g) To work with the Counter Terrorism Unit to review the temporary measures for this Christmas (2019).
- h) To request officers to commence a procurement exercise for a supplier to procure and install the hostile vehicle rated measures in the city centre.
- i) To request officers to commence the procurement of permanent measures at the Racecourse Road / Knavesmire Road junction to be in conjunction with measures to be implemented and operated by York Racecourse to manage access on race days.
- j) To bring back to Executive the cost of the installation, operation and maintenance of the permanent measures.
- k) To work with the Police, consultants and other blue light services to finalise the operational protocols for providing emergency vehicular access during the footstreets hours to the city centre.
- l) To continue to work with York Minster to review security arrangements and use the opportunity that their Neighbourhood Plan offers to propose alternatives to the current temporary hostile vehicle mitigation measures around the Minster area, known as Phase 2.
- m) To note that the Counter Terrorism Unit will continue to advise the Council and necessary measures will need to be introduced and reviewed by the Council on a regular basis. The My City Centre consultation which is subject to separate report on this agenda will give residents the opportunity to comment on future use of the city centre which would include security and accessibility of any future proposals coming forward.

Reason:

- 8. To respond to the advice given by North Yorkshire Police and the Counter Terrorism Unit to protect York's areas of high footfall against the vehicle as a weapon (VAW) threat, through the provision of Hostile Vehicle Mitigation measures.
- 9. In addition, these recommendations will require that measures are implemented to mitigate the effect of the Hostile Vehicle Mitigation

measures on blue badge holders as best as possible, following the outcome of disabled group workshops and direct correspondence.

Background:

10. In response to Police advice, officers were requested by Executive to work with stakeholders such as the Counter Terrorism Unit and North Yorkshire Police to develop proposals to mitigate the risk of a hostile vehicle attack, and to identify additional locations in the city centre and racecourse where vehicle restrictions and public safety will take precedence over access requirements due to the potential conflict between pedestrians and vehicles.
11. In September 2018 the Executive agreed to the trial through an Experimental Traffic Regulation Order pending permanent security measures being installed as a first phase of Hostile Vehicle Mitigations. This covered the area (Phase 1) shown in Annex A which can be described as:-
 - Parliament Street
 - Davygate
 - St Sampson's Square
 - High Ousegate
 - Spurriergate
 - Coney Street
 - Finkle Street
 - Church Street
 - Jubbergate

Implementation of Experimental Traffic Regulation Order

12. The Experimental Traffic Regulation Order was therefore implemented on the 5th November, 2018. This was to coincide with the commencement of Saint Nicholas Fair.
13. To give effect to the Experimental Traffic Regulation Order the council installed standard bollards at the St Helen's Square end of Coney Street and St Sampson's Square/Church Street with supportive blocks on Blake and Church Street to prevent vehicular access to the area during footstreets hours. The council also implemented additional measures based on police and counter terrorism advice prior to the Christmas period (these measures at

Parliament Street and Coppergate will remain in place until the permanent measures are installed).

14. Prior to the restrictions as part of the experimental order, some Blue Badge Holders used to access the Phase 1 area before 10.30 as they knew they could physically leave the area after the footstreets restrictions commenced at 10.30. Following the physical measures associated with the experimental order, any Blue Badge Holders accessing the Phase 1 area before 10.30 must leave the area before 10.30.

Stakeholder Engagement

15. Previous Executive decisions were to instruct officers to engage and work with those most likely to be impacted by the proposed changes to accessing the city centre, to understand the impact of the changes and any potential mitigating measures to lessen this impact without compromising the security of all those using the city centre. This includes blue badge holders and local businesses / residents.
16. Substantial engagement has been undertaken with a number of members of the community including disabled people and groups representing some disabilities, in particular, as the proposals affect Blue Badge Holders. A list of the meetings and engagement sessions held at Annex F (published online).

Disabled/Blue Badge Holders

17. As the measures will prevent Blue and Green badge holders accessing and parking on St Sampson's Square during footstreets hours, the primary focus has been engaging blue badge holders and disabled residents, combining face to face on-site interviews and workshops with representative groups and individuals including discussions with groups such as MySight York, York MS Society, St Sampson's Centre, Parkinson's UK, York Older People's Assembly, York Healthwatch, York Wheels and ShopMobility.
18. Following the first report in February 2018 some preliminary work was done to engage members of the Blue Badge community, this led to a dedicated Economy and Place Scrutiny Committee session on the issue. The feedback from this was included within the September 2018 report.

19. The September Executive Decision instructed officers to continue to engage and work with disabled access groups and blue badge holders to review options to mitigate the impacts of the HVM measures. The reason was to mitigate the potential loss of disabled parking within the Phase 1 area to ensure a safe city centre which is as accessible as possible.
20. The previous Executive decisions are clear that the focus of the engagement is regarding the mitigation of the impacts of these measures on disabled people including wheelchair users and those with other mobility difficulties, not the principle of the Hostile Vehicle Mitigation measures.
21. Before introducing the experimental traffic regulation order, the council wrote to all blue badge holders in York (approximately 7500) informing them of the changes and inviting them to contact the project team to raise any issues. Officers received around 75 responses
22. At the same time, the Council publicised the changes and invited responses via the local media, social media and by updating all the relevant information about blue badge and disabled parking on the Council web pages. The specific web page relating to the changes has been viewed over 1000 times.
23. A series of workshops have been held with organisations representing disabled groups and invitations extended to each of the Blue Badge Holders who responded to the initial October 2018 letter. As a result, three initial workshops held in January and March were attended by a range of blue badge holders, carers and members of organisations including My Sight York (formerly York Blind and Partially Sighted Society), MS Society, Healthwatch, Older Citizens Advocacy York and ShopMobility.
24. The workshops explored both the impact of the experimental traffic regulation order and the potential future expansion to city centre security and the challenges this may pose in terms of any mitigation measures proposed within locations that may have access restrictions in the future.
25. This is useful as the evidence base as it can inform both immediate decision-making on the experimental traffic regulation order and the design of any future mitigation measures in new areas.

26. Most recently, a mix of stakeholder groups were brought together for a workshop in June 2019 to explore the different perspectives on proposed mitigation measures. The workshop featured group representation from Healthwatch, MS Society, My Sight York, Wilberforce Trust, Older Persons Advocacy York, York Carers Centre, York Older People's Assembly, service representation from ShopMobility and York Wheels (Dial a Ride). The June workshop was also attended by retail and business groups comprising Make It York, York BID, Indy York and York Minster. Taxi groups including York Hackney Carriage Association and Independent Taxi Association were invited to the sessions but no taxi representatives attended.
27. A full summary of the themes and concerns raised through these workshops/engagement and the proposed mitigation measures is included in Annex B, and themes have been grouped into four areas;
- (a) those dealing with positioning of parking for private cars (Blue Badge Holders) and Taxi Access;
 - (b) those dealing with ShopMobility / Dial & Ride Services;
 - (c) those looking at barriers to movement around city centre (footway surfaces / rest points); and
 - (d) Other issues raised;

Annex C focuses on Piccadilly, where officers will now prepare cost estimates of delivering these options and feedback into the next report to the Executive to make decisions on this. In addition, Annex F (published on-line) is the stakeholder tracker that shows each individual comment from each of the four stakeholder engagement sessions and responses to the letter issued to Blue Badge Holders.

28. The measures will result in loss of around 10 car spaces from St Sampson's Square (surveys showed these being used by 17 blue badge holders per day). Most of the displaced vehicles could be accommodated on Church St / Goodramgate, which surveys have shown, rarely reaches capacity. Further measures would need to be considered if future phases of city centre access are implemented. The proposed mitigation would provide around 9 dedicated disabled spaces on Piccadilly at the edge of the Phase 1 area.

29. The decisions of this report will be put into a communications plan so that York blue badge holders are aware of the changes, the mitigation and where they can park if public transport, Dial & Ride, taxi services or car parks are not an option for them.

Heritage Groups

30. Given the historical context in York, the design/appearance of these measures has been an important consideration. The project team has worked with the council's own design and conservation team, York Civic Trust and Historic England to establish the most appropriate bollard specification.
31. Based on advice from Historic England a modern approach is preferred as opposed to the appearance of faux heritage/Manchester bollard. Sample bollards have been available at Hazel Court and organisations invited to view the products so that comments can inform the procurement process. An image of a design for the proposed measures are contained in Annex G.
32. The Executive asked officers to consider a Phase 2 focusing on Duncombe Place and the approach to the Minster. Although the Minster have already installed hostile vehicle mitigation measures, these only have temporary approval. Officers are therefore working with York Minster to develop the Minster's Masterplan for the area around the Minster (to inform the Minster's Neighbourhood Plan) and ensure hostile vehicle mitigation measures are integral to that design.

Residents and Businesses

33. The council wrote to city centre residents and businesses in the area plus York Business Improvement District, Make it York, York Retail Forum and the York Independent Business Network and met with these and other key stakeholders to inform them of this experimental period. The reasons for it were discussed and reviewed what mitigation measures could be considered to reduce the impact of the measures. While no comments were received from city centre residents, businesses fed back positively about this and endorsed the consequence of these restrictions that would part-pedestrianise this area. However significant frustration was raised from them that these measures should cover the whole of

the city centre and not just the Phase 1 area. Businesses wanted to be made aware of the implementation timescales and operational protocols to be used once the automated measures are put in place.

Emergency Services engagement

34. Officers have worked with the emergency services to ensure that their access into the city centre is unhindered. It was also agreed that civil enforcement officers and police officers will patrol the city centre tackling vehicles that remain after the start of the city centre footstreets hours without exemptions.
35. Officers have considered enforcement options to effectively manage the Phase 1 area, however they concluded that no new Traffic Regulation Order was needed, based on the low levels of vehicles in the city centre during the footstreets hours. Once the measures are operational this will be kept under review to determine whether any changes are required to the order to support enforcement.
36. Engagement with the York Counter Terrorism Task Group has ensured that proposals on Hostile Vehicle Mitigation are cognisant and compatible with the wider approach to Counter Terrorism.
37. A blue light emergency planning and business continuity desk-top exercise around the hostile vehicle theme for York is being developed.

York Racecourse

38. Officers have worked closely with York Racecourse to support them in delivering security measures to be used during their race meetings and other large events. The proposed approach by the racecourse is to use a temporary installation on race days. They continue to work with the Counter Terrorism Unit on how security can be reviewed and improved.
39. These temporary installations protect the areas York Racecourse control on race days. However, work is needed to ensure that better protection is provided within areas of the public highway which experience high footfall. For this reason permanent hostile

vehicle mitigation measures at the Racecourse Road / Knavesmire Road junction are proposed.

Reviewing the Experimental Traffic Regulation Order

40. The experimental Traffic Regulation Order has been in place for eight months and therefore can either be made permanent or revert to the previous TRO. Feedback to the experimental traffic regulation order can be summarised as follows.
- a) Loss of Parking on St Sampson's square will put blue badge holders off visiting York.
 - b) Need for improved visibility of BBH parking areas though amended website and/or leaflet (Chester example - www.visitcheshire.com/visitor-information/accessible-chester)
 - c) MS Society and MySightYork concerned that their carers won't be able to do 'drop-offs' of people in the footstreets area as they do at present.
 - d) Accessing the city centre before 10.30 is not possible for some disabled people who are unable to get themselves ready before then
 - e) Feeling that York had become less accessible to blue badge holders over the last 15 years
 - f) The number of BBHs will increase as a consequence of recent rule changes (2019). DfT estimate a 6% increase in the first year

No formal objections to the scheme have been received, although some disabled people expressed concern about it restricting access for Blue Badge Holders at times of operation (10.30am-5pm).

41. The current experimental Traffic Regulation Order has been useful in not only allowing the impacts on traffic to be monitored but also providing time to engage with a range of users of the city centre to ensure their views are captured and brought before Executive Members in this report.
42. Before and during the period of the Experimental Order over the Phase 1 area, surveys have been undertaken recording any

changes in behaviour of those accessing the footstreets area or parking on its perimeter.

43. It should be noted that exclusions similar to those proposed currently happen on a regular basis when events take place in the city. St Sampson's Square and Parliament Street have historically been closed for approximately 100 days per year due to events. This includes 69 main events and a further 30 or so ad-hoc/smaller events (e.g. the carousel and bungee jump activities). These events move the outside cafe tables into the carriageway around St Sampson's Square preventing vehicular access to the area. In addition, York's attractions, events and festivals are a major contributor to increasing footfall in the city centre.
44. Traffic surveys have been carried out to determine the traffic levels in the footstreets area during footstreets hours, and parking surveys conducted in the surrounding streets. This shows that a low single figure of vehicles have been displaced as a result of these current measures. During the surveys by Street Rangers, only one negative comment was received saying the council do not consider blue badge holders having to park to get to shops or banks. During the engagement sessions, however, many general comments from blue badge holders were critical of the measures whilst accepting the need for security.
45. A small survey of Blue Badge Access to a number of city centre areas was undertaken in September 2018 and a report produced (Annex E). Some counts were repeated in May 2019 with the closure in place. These show that the whilst the overall number of Blue Badge Holders slightly declined after access to St Sampson's Square was prevented, this is due to a drop in parking events in Goodramgate and Colliergate/King's Square, which are areas unaffected by the measures. Also, for sixteen days between January and May 2019 the access/exit points, were staffed and a record made of those vehicles using these points and those turned away. The data from these surveys is summarised in Annex D. These surveys provided a good insight into the parking by blue badge holders the length of stay and the reasons for them coming into the city centre.
46. Video surveys were carried out in December 2018, during the extended footstreets hours, with repeat surveys in February 2019 (when the experimental orders were in place). These showed no

evidence that any Blue Badge Holders became trapped in the Phase 1 area.

47. The surveys all indicate that there is a low level of traffic requiring access to the footstreets areas and that sufficient capacity for blue badge holder parking is available in the streets near to St Sampson's Square, which is the only place directly affected by this change to the Traffic Regulation Order. E.g. the approximate capacity of Church Street and Goodramgate (8 and 20 vehicles, respectively) wasn't reached either before or after the experimental order was implemented.
48. Surveys that were done before and during the experimental period, show there is adequate blue badge parking provision outside the Phase 1 area including on Church Street and Goodramgate to accommodate displaced parking from St Sampson's Square. Given that no mitigation was provided during this experimental period the survey results show the limited impact of these measures and therefore the permanent Hostile Vehicle Mitigation measures when they become operational.
49. Concerns from members of the public (disabled people in particular) that these measures (and the potential future phases of the restrictions) will reduce their ability to access the city centre were raised through the engagement process. Mitigation has been discussed and developed to reduce the impact of the measures on disabled people, proposals are contained within Annexes B and C. Officers will now assess the feasibility and approach to implementation. For example, as a result of the measures, the provision to park approximately 10 car spaces (for blue badge holders only) would be lost from St Sampson's Square during Footstreets hours. The mitigation proposed would provide an additional 9 dedicated disabled car parking spaces on the edge of the Footstreets area (north end of Piccadilly). A number of other locations for dedicated disabled bays will be investigated as part of the Minster Neighbourhood Plan to make up for the net loss of blue badge parking close to the Footstreets area.
50. Based on the previous Executive Decision that public safety takes precedence over right of access, it is recommended that the order is made permanent.

Detailed Design

51. Based on advice from our security consultants (MFD International, the Principal Designer of the measures) a sliding bollard system is considered to be the best solution for York. This system is highly effective and meets the required PAS68 rated standard to stop a 7.5 tonne vehicle travelling up to 80kph and sits on a very shallow foot plate. This significantly reduces any issues with services and archaeology.
52. The design for the phase 1 area is substantially complete, see Annex G & H for some examples of the measures elsewhere (G) and simple plans of the appearance of the Phase 1 measures (H). Some work remains around the locations and the technology to support the operation this includes relocation of existing street furniture and ensuring disability access is maintained. Installation of the measures will be completed in advance of the St Nicholas Fair 2020 reflecting the timescales for procurement of the measures, detailed design and the decision making process.

Operational Protocol

53. As part of this work the traffic waiver system for the city centre will be reviewed and a system is being developed to allow permitted access during the footstreets hours. This operational protocol will dictate how this happens to ensure minimum detriment to businesses whilst maintaining security.
54. Draft operational procedures are being developed and agreed with the Network Management team, the Police and Counter Terrorism Unit to ensure that legitimate access is maintained whilst preventing, as far as possible, unauthorised vehicle access into the protected area.
55. The next stage is to determine who will manage the operational access protocol and determine the ongoing cost of this.

Procurement

56. Officers from commercial procurement have been engaged and sit on the project board. If the experimental Traffic Regulation Order is made permanent, the detailed designs will need to be costed and then procured for schemes at both the city centre and at the racecourse.

Council Plan

57. This report is supportive of the following priorities in the Council plan in addition to the One Planet York principles, the Council champions:
- A focus on frontline services; and
 - A Council that listens to residents.

Implications

58. The following are the identified implications.

- **Financial** – It is anticipated that the final measures will have significant costs associated with them including installation and supporting systems and resources to operate and maintain them. Much of this can be covered by the Built Environment Fund dedicated to this programme. A further report will be brought back to Executive to seek approval for the final overall budget and contract following a procurement exercise.
- If delivered, ongoing revenue will be required to cover the staffing, operation and maintenance of the measures. This will be outlined in the future Executive report as outlined above.
- The procurement of non-moving bollards at Parliament Street recommendation (F) could be undertaken from existing framework contracts and a maximum expenditure of £100k is expected from the current provisional allocated budget of £1.062m.
- **Human Resources** – None at this stage
- **Equalities** – An initial Community Impact Assessment has been completed highlighting the access issues to the Phase 1 area and St Sampson's Centre. This is in line with the Council's legal requirements under Section 149 of the Equality Act 2010. This has been updated to reflect the proposed recommendations in this report see Annex I.
- Final locations of bollards will need to take account of the necessity to maintain disabled access and reposition existing street furniture or minor adjustments to locations will be undertaken as necessary.

- **Legal** – The Council has powers under the Road Traffic Regulation Act 1984 to make traffic orders for “avoiding or reducing, or reducing the likelihood of, danger connected with terrorism”. Experimental orders may be made for the same reason.

Members are well aware of their general public law duties when exercising decision making powers and in particular are aware of their responsibilities under the Equality Act 2010 to have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Community Impact Assessment annexed to the report (see Annex I) sets out the key equalities implications of the proposal and the report itself describes the balancing exercise undertaken by Officers. Members must consider these implications in line with the duties described above.

- **Crime and Disorder** - These measures aim to deter and prevent vehicular access during the agreed hours in the interests of public safety from the vehicle as a weapon threat.
- **Information Technology (IT)** – Investment in IT to remotely operate some of these measures will be required.
- **Property** - There are no property implications for this report or its recommendations but there may be a planning review and permission requirement associated with CCTV cameras required.
- **Risk Management** –This programme is tasked with delivering suitable measures to protect areas of high footfall, namely the city centre and York Racecourse, against the threat of a vehicle as a weapon and the risk to public safety based on Police, consultant and security services advice. Once in operation, the Council and their partners will be responsible for ensuring reasonable endeavours are taken to maintain the security of the Phase 1 area during the footstreets hours.

Contact Details

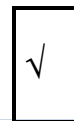
Author:

James Gilchrist
Assistant Director
Transport, Highways &
Environment

Chief Officer Responsible for the report:

Neil Ferris
Corporate Director for Economy and
Place

**Report
Approved**



Date 15.08.19

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers:

8th February, 2018, Executive report and minutes that agreed to the implementation of the hostile vehicle mitigation measures in the city centre.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=10196&Ver=4>

27th September, 2018, Executive report and minutes that agreed to the implementation of the hostile vehicle mitigation measures in the city centre.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=10472&Ver=4>

Annexes

Annex A – City Centre map showing the Phase 1 area

Annex B – Issues raised from Community Engagement Sessions & Potential Mitigation Options

Annex C – Mitigation on Piccadilly (TRO Plan)

Annex D – Blue Badge Parking surveys (2018/19) and Traffic movements at Access Points (2019)

Annex E - City of York Footstreets - Blue Badge Access (Sept 2018)

Annex F - Stakeholder consultation tracker

Annex G – Images of Matador Automated Sliding Barriers

Annex H – Draft Drawings of the location of the Hostile Vehicle Mitigation measures (static and automated) for Phase 1 area

Annex I - Community Impact Assessment - city access 2019 update