

Meeting:	Executive Member for Transport
Meeting date:	17/06/2025
Report of:	Garry Taylor, Director of City Development
Portfolio of:	Cllr K. Ravilious, Executive Member for Transport

Decision Report: City Centre Anti-Terrorism Traffic Regulation Order

Subject of Report

1. The report provides an update on the process and consultation of developing a proposed Anti-Terrorism Traffic Regulation Order (ATTRO). This was an approved action from the report presented to the Executive in October 2023, for consideration of changes to the City Centre Traffic Regulation Order.
2. The report also provides a recommendation on future actions in relation to the proposed ATTRO.

Benefits and Challenges

3. An ATTRO helps to keep people safe from the threat of terrorism by enabling the Police, working with local authorities, to put protective security measures in place to reduce vulnerability to, or mitigate the potential impact of, terrorism attacks on or near a road.
4. The benefit of the recommended option is the ability to have a more reactive approach to the implementation of an ATTRO, as the Order will set out the requirements of North Yorkshire Police (NYP) and York Council. This provides a level of cover if an ATTRO is required for an event due unforeseen circumstance. The ATTRO could only be used in relation to the specific threat of terrorism or to deal with a terrorist incident.

5. The challenges of an ATTRO are that it will remove the highway management responsibility from the Local Authority and pass the control to NYP, who would manage the access for movements within the controlled area if an ATTRO is used for an event, activity, or increased threat level connected with terrorism. This would be controlled through the ATTRO which would be implemented in accordance with the operational requirements of its Schedule 2.
6. NYP may make the decision to remove access for all highway users due to the threat level or an incident or they may make the decision to remove all vehicle access during an event like the Christmas Markets.

Policy Basis for Decision

7. The Terrorism (Protection of Premises) Bill, also known as 'Martyn's Law' in tribute to Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017, will ensure that security preparedness is delivered consistently across the UK, ensuring better protection of the public. The Bill was introduced to Parliament on 12 September 2024 and is currently undergoing Parliamentary Scrutiny.

Financial Strategy Implications

8. The recommended option within the report has no future financial implications.
9. If the proposal is progressed to Statutory Consultation, then the cost of advertisement will be funded from the core transport budget.

Recommendation and Reasons

10. Option 1 –Authorise the Director of City Development or his delegated officer to carry out statutory consultation and advertisement of the proposal to make an ATTRO for the city centre. (Recommended Option)
11. This option is in line with the decision made at the Executive decision session in October 2023 for development and

consultation of an ATTRO. This option will allow the Council to progress the matter and undertake the consultation following on from the development of the proposed ATTRO.

Background

12. The York Protect and Prepare Group was established in 2017 following a number of terrorist attacks that had taken place during that year. The group is multi-agency, involving all blue light services, Counter Terrorism Police, Relevant Council Services, Make It York, York BID and representation from across the business, leisure and tourism sector. The group has a detailed action plan comprised of six strategic priorities each with a range of detailed actions designed to mitigate the risks to the city associated with a potential terrorist attack and prepare key stakeholders to be able to cope in the event of an attack taking place. These priorities include the consideration and installation of both temporary and permanent Hostile Vehicle Mitigation measures to increase security for events and areas within the city which attract large crowds and pose the greatest risk from attack. Alongside physical protective measures, the action plan also includes a suite of tactical activity (both overt and covert) training and support to those with responsibility for public safety. York has previously been cited by Government as best practice in terms of its Protect and Prepare Group.
13. The decision taken by the Executive in October 2023 was in response to a series of decisions made by the previous Executive. The key points are summarised below with a link to the detailed reports for a full history.
 - a. In February 2018, the Executive considered the first report which alerted the Executive to the risks around terrorism, particularly for those areas of the city with high numbers of people. Areas where people congregate, and predictably crowded places are defined as targets. The report recognised that the existing vehicular access controls were not an absolute control and relied on people being law abiding, the inference being that terrorists were not law abiding. Executive therefore instigated a scheme of engineering measures to give effect to the traffic regulation orders and a review of who could access the pedestrian area. The report recognised the potential impact on Blue Badge holders and requested engagement with disabled people's organisations.

<https://democracy.york.gov.uk/documents/g10196/Public%20%20reports%20pack%20Thursday%202008-Feb2018%2017.30%20Executive.pdf?T=10>

- b. In September 2018, the Executive considered a report which proposed a phased approach to security measures within the city centre pedestrianised zone. The Council having received advice from the Counter Terrorism Unit and the Centre for the Protection for National Infrastructure appointed industry experts to risk assess the streets that posed the greatest risk from a Hostile Vehicle Attack, this was attached as an annex. The report was accompanied by a letter from the Police urging action as they considered the lack of suitable vehicle mitigation measures in York an unacceptable risk for the city. It identified Article 2 of the European Convention of Human Rights (also described as The Right to Life) and how it places a positive duty on the state (i.e., public bodies) to protect life. A scheme was proposed to protect the priority one area including Parliament Street, High Ousegate, Spurriergate, Coney Street, Daveygate, Finkle Street, Church Street and Jubbergate. This was identified as a first phase, taking an onion skin approach, with future phases of protection to a much wider area identified as priority/phase 2. The report recognised that some people would be disadvantaged as a consequence of making the city safer by reducing the risk of attack, but presented means to mitigate these impacts. The Executive approved an Experimental Traffic Regulation Order adding St Sampson Square to the phase 1 / priority 1 area see map at Annex D attached to this report.

<https://democracy.york.gov.uk/documents/g10472/Public%20%20reports%20pack%20Thursday%202027-Sep2018%2017.30%20Executive.pdf?T=10>

- c. At Executive in August 2019, the Executive considered a further report. This updated on the engagement with disabled people and disabled people's organisations and made the Experimental Traffic Regulation Order permanent removing the access from St Sampson Square. The My City Centre Project was commissioned by Executive.

<https://democracy.york.gov.uk/documents/g11108/Public%20%20reports%20pack%20Thursday%202029-Aug2019%2017.30%20Executive.pdf?T=10>

- d. In February 2020, the Executive approved the anticipated revenue and capital allocations for the Hostile Vehicle Mitigation

measures and authorised a procurement process to progress the phase 1/priority 1 area.

<https://democracy.york.gov.uk/documents/g11116/Public%20%20reports%20pack%20Thursday%2013-Feb2020%2017.30%20Executive.pdf?T=10>

- e. In response to the COVID19 Pandemic and the requirement to queue outside shops, the exemption which allowed Blue Badge holders to park on some pedestrianised streets outside the phase 1/priority area was temporarily removed. In June 2020 the Executive approved a One Year Transport and Place Plan as part of its COVID19 Recovery and Renewal Strategy. The Executive decided to extend the removal of Blue Badge access in footstreets as part of the economic recovery to create increased public spaces that can be used by local businesses to adapt their operating models with outdoor seating. In response, some areas for Blue Badge parking were provided on the outskirts of the pedestrian area and linked to shop mobility and a temporary shuttle service. A temporary extension to footstreet hours later into the evening during COVID19 was also extended through the recovery phase.

<https://democracy.york.gov.uk/documents/g12293/Public%20%20reports%20pack%20Thursday%2025-Jun2020%2017.30%20Executive.pdf?T=10>

- f. In November 2020 whilst the pandemic restrictions continued, a decision was taken by Executive to extend the arrangements which excluded Blue Badge access until September 2021 and also to initiate the process of making these changes permanent. This allowed the Hostile Vehicle Mitigation Measures project to be brought forward in a single stage/phase see map at Annex D attached to this report. The Executive commissioned a Strategic Review of City Centre Access and Council Car Parking.

<https://democracy.york.gov.uk/documents/g12407/Public%20%20reports%20pack%20Thursday%2026-Nov2020%2017.30%20Executive.pdf?T=10>

- g. In June 2021, the Executive Member for Transport approved a number of further changes to add additional Blue Badge parking bays to the city centre outside the footstreets zone, following engagement with disabled people and disabled people's organisations. They also approved the formal advertising of the proposed Traffic Regulation Order, to remove the exemptions on vehicles with a Blue Badge from permitted access to Blake

Street, Castlegate, Church Street, Colliergate, Goodramgate (between Deangate and King's Square), King's Square, St Helen's Square, Lendal.

<https://democracy.york.gov.uk/documents/g12726/Public%20reports%20pack%20Tuesday%2022-Jun-2021%2010.00%20Decision%20Session%20-%20Executive%20Member%20for%20Transport.pdf?T=10>

14. The Executive considered a number of linked reports in November 2021; My City Centre Strategic Vision - Adoption of Vision and Next Steps, Strategic Reviews of City Centre Access and Council Car Parking and finally the report on Consideration of Changes to the City Centre Traffic Regulation Order.
15. These documents and annexes can be found in full on the following link:
<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov2021%2017.30%20Executive.pdf?T=10>

The key points are summarised in paragraphs a) to c) below:

a) My City Centre Strategic Vision – Adoption of Vision and Next Steps

The Executive adopted the My City Centre Strategic Vision as a guide to investment in the city centre, to inform policy decision and as a material consideration in planning. The report outlined how the My City Centre project has been shaped through extensive public and stakeholder consultation. Eight individual themes emerged:

- i. Family Friendly City Centre - putting families at the heart of a reimagined city centre.
- ii. Events Experiences & Investment in Public Spaces - focus new investment on improving existing city spaces and improving the market offers in the city.
- iii. An Attractive City Offer at All Times – creating an early evening economy and encourage new home workers to visit the city after work and build on the popularity of outdoor café culture that has developed during the pandemic and post restrictions.

- iv. Making Tourism Work for York - Acknowledging the huge benefits that tourism brings in supporting our economy and sustaining our city centre, harness the positive benefits for our residents and communities and reduce, offset and mitigate any negative impacts.
- v. Embracing Our Riversides – making the rivers part of everyday life in the city, opening up new access routes and riverside environments and exploring their use as transport corridors, whilst also focusing on river safety.
- vi. City Centre Community which is Welcoming for All - create new city living and ensure the facilities and services that our city centre communities need to thrive exist.
- vii. Thriving Businesses and No Empty Buildings - support businesses in the centre, allow them to grow and adapt, whilst also promoting more temporary uses and making better use of vacant buildings.
- viii. Celebrating Heritage and Making Modern History - balancing the heritage environment with the needs of a successful 21st century city that supports the modern lifestyles of our communities.

b) Strategic Review of City Centre Access

Executive approved several separate documents and action plans. Within the annexes were a number of reports including the Martin Higgett report which can all be found at:

<https://democracy.york.gov.uk/mgAi.aspx?ID=60464#mgDoc%20uments>

- i. Approved the Strategic Review of City Centre Access and an Action Plan to improve access, including the creation of an Access Officer post, improving toilet facilities, further Blue Badge parking, investment in Dial a Ride and Shop Mobility. This has since been reviewed and updates on progress provided to several scrutiny committees (include as an Annex E to this report).
- ii. Approved the Strategic Review of Council Car Parking which established the criteria by which Car Parks should be

evaluated and scored and produced an associated Action Plan, which covered a range of issues such as improving the management information available about usage, working with disabled people and disabled people's organisations to identify what makes a good car park and diversifying the park and ride sites, most of which is either delivered or in progress.

c) Consideration of Changes to the City Centre Traffic Regulation Order

In the context of the My City Centre Vision previously approved on the agenda and the approved action plans as part of the Strategic Review of City Centre Access to further improve access to the city centre. Executive:

- i. considered the responses to the statutory consultation on the removal of Blue Badge exemptions permitting access to footstreets during pedestrianised hours;
- ii. considered the impact of the proposals on Blue Badge holders and the disabled community, as identified through the statutory consultation and the wider engagement work the council has undertaken. Some of this community made clear that removal of the exemption will remove their ability to access the footstreets which was set out and considered within the Equalities Impact Assessment ("EIA");
- iii. made the decision to remove the exemption which allowed vehicles displaying a Blue Badge to access Blake Street, Church Street, Colliergate, Goodramgate between Deangate and Church Street, King's Square, Lendal, St Andrewgate between its junction with King's Square and a point 50 metres northeast and St Helen's Square during the pedestrian hours;
- iv. made the decision to not proceed with a permanent change to remove Blue Badge access to Castlegate, as it was not in the hostile vehicle mitigation zone and therefore not affected by the Counter Terrorism Policing advice;

- v. approved the implementation of the additional Blue Badge parking that formed part of the statutory consultation, with the exception of the two bays on St Andrewgate nearest to its junction with Bartle Garth (recognising the consultation relating to St Andrewgate);and
 - vi. decided to commence a statutory consultation on a permanent change to footstreet hours to be 10:30 am to 7:00pm. To give effect to the My City Centre Vision which has an aspiration for long term footstreet hours that run until 7:00pm.
- 16. Based upon those decisions, the bollards that will secure the city centre from a hostile vehicle attack have now been installed.
- 17. In July 2022, Executive decided that they would postpone any decision to undertake the statutory traffic regulation order consultation on a permanent change in footstreet hours to 7:00 pm until new pavement café guidance could be developed.
<https://democracy.york.gov.uk/documents/g13288/Public%20report%20ts%20pack%20Thursday%2028-Jul2022%2017.30%20Executive.pdf?T=10>
- 18. In November 2022, Executive considered a report on the deregulated approach to Pavement Café Licenses
<https://democracy.york.gov.uk/documents/g13292/Public%20report%20ts%20pack%20Tuesday%2022-Nov2022%2017.30%20Executive.pdf?T=10>
- 19. Pavement cafes were initially a response to COVID19 under emergency government legislation as part of immediate economic support and the “Eat out to help out” scheme. Government has since approved a permanent deregulated change. As the City had returned to more normal post COVID19, the impact that emergency pavement cafes had on specific access issues became more apparent. The report recognised that pavement cafes are here to stay in some form in the future but are no longer part of an emergency response. Therefore, new guidance and conditions around when and where cafes are acceptable was developed with an external access consultant with the input of disabled residents.
- 20. Recognising the impact that current temporary arrangements have had on residents and visitors, particularly on people with health

conditions or impairments, Executive decided that café licences issued under the fast-track approach would only be allowed on footways if 1.5m width remains for people to get past (with the exception of pedestrianised streets with level access between the footway and the carriageway).

21. This had a significant impact in the city centre where many of the pedestrianised streets do not have room for a pavement café, emergency access and a clear footway of 1.5 metres so the number of pavement cafes reduced.
22. In October 2023 the Executive considered changes to the City Centre Traffic Regulation Order (Footstreets), to allow vehicles displaying a blue badge to enter the footstreets during the hours of operation. The executive approved the change to the city centre Traffic Regulation Order, although another action approved was the development and consultation of an ATTRO.
<https://democracy.york.gov.uk/documents/g13931/Public%20reports%20pack%20Thursday%2012-Oct-2023%2017.30%20Executive.pdf?T=10>
23. York Council has been in informal consultation with NYP about the creation of a permanent ATTRO and its operational process. The consultation included discussions around the contingent nature of the proposed ATTRO, meaning it would only be utilised as an operational counter terrorism response to the needs of an event, incident or to intelligence received; arrangements for the activation of the ATTRO if required, which included notification process in most cases; and to ensure that any restrictions will be for the minimum length of time necessary. A draft ATTRO (Annex B) was created so the Council and NYP could understand the detail and requirements that would be placed on each party should the proposed ATTRO be put in place.
24. The Chief Constable of NYP has now formally written to York Council to request that an ATTRO is put in place which covers the whole city centre (Annex C). The extent of the proposed area extends beyond the pedestrian area which is already covered by the permanent Hostile Vehicle Measures (HVM) and includes the adopted highway College Street, Deangate, Duncombe Place, High Petergate, Minster Gates, Minster Yard, Precentors Court and The Queen's Path. The proposal was made to extend beyond the pedestrian area, to help protect the York Minster, which is designated as a Tier 1 site, this area has previously received three

requests from NYP for temporary ATTRO, due to activities occurring at York Minster. In recent years on New Year's Eve the Council has also installed temporary HVM on Duncombe Place, due to the gathering of people to celebrate the New Year.

25. An ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. This allows traffic orders to be put in place by the Traffic Authority under S.6, 22C and 22D of the Road Traffic Regulation Act 1984, for the purpose of:
- 'avoiding or reducing, the likelihood of, danger connected with terrorism'; or
 - 'preventing or reducing damage connected with terrorism'.
- These orders can only be made on the recommendation of the Chief Officer of Police and are subject to prior statutory consultation.
26. An ATTRO is a counter terrorism measure which allows an officer of NYP to direct that a provision of the ATTRO restricting or regulating pedestrian or vehicular traffic on a particular road should be commenced, suspended or revived. Such a decision would be based on a security assessment or credible intelligence of a threat. The use of the ATTRO would be authorised by an officer of at least the rank of inspector and for pre-planned events it would be a senior officer who would be Gold Commander for any such event.

Consultation Analysis

27. The only consultation undertaken so far is informally with NYP around the requirement for an ATTRO and the wording of the draft ATTRO. An ATTRO needs to be requested by the Chief Constable of NYP, so until the written request was made there was no requirement for formal statutory consultation.
28. The report requests approval to progress the statutory consultation requirement for the proposed ATTRO. If such approval is granted, consultation will be undertaken with all residents, businesses, and relevant stakeholders within the proposed area of the ATTRO. The consultation period will allow an opportunity for representations to be presented to the Council on the proposal. Any representation received will be included within a future report to consider the representations received on the proposal.

29. The making of an ATTRO follows the normal procedures that apply to other traffic orders under The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which specifies procedural requirements that traffic authorities must follow when proposing and making Traffic Regulation orders.
30. A schedule agreed jointly between the police and the Council will also be attached to the ATTRO as Schedule 2, detailing the specific working/operational arrangements and controls for the use of the powers contained in the ATTRO when it is used to address the needs of both pre-planned and emergency incidents.
31. The proposed ATTRO would be permanent but contingent in nature, meaning that it would only be activated as a temporary operational measure in appropriate circumstances in accordance with Schedule 2 to the ATTRO, where the police have sound reasons on the basis of a security assessment or intelligence of a likelihood of danger or risk of damage due to terrorism. It cannot be used for any other reason. Wherever possible at least 7 days' notice of restrictions would be given allowing the Council to notify those likely to be affected by the restrictions. Any restrictions put in place would not exceed a period of 48 hours without prior approval of the Chief Officer of Police.
32. The above safeguards ensure that the ATTRO is a proportionate measure used to the minimum extent necessary in order to deal with the likelihood of danger connected to terrorism.

Options Analysis and Evidential Basis

33. Option 1 –Authorise the Director of City Development or his delegated officer to carry statutory consultation and advertisement of the proposal to make an ATTRO for the city centre.(Recommended Option)
34. This option is in line with the decision made at the Executive decision session in October 2023 for development and consultation of an ATTRO. This option will allow the Council to progress the matter and undertake the consultation following on from the development of the ATTRO.

35. The Council will be able to undertake consultation on the proposal to help ensure all views and opinions on the matter are considered in line with statutory requirement for an ATTRO.
36. If the ATTRO is progressed and put in place due to the potential impact of terrorism and is activated by NYP for an event or due to an increased threat level, it would provide NYP, with the power to manage access to certain streets/areas at anyone time to address the security needs of the event or incident. This may remove all access or the access of certain vehicles, this would be the decision of NYP and potentially take the management of the highways of the city centre out of the control of York Council temporarily whilst the powers contained in the ATTRO are utilised.
37. The ATTRO would only cover the area of the city centre shown on the plan at Schedule1 of the ATTRO (Annex D), so any events, activities or increased threat levels outside of the area shown in Schedule 1 of the ATTRO would still require a separate temporary ATTRO.
38. Option 2 – Take no further action. (not recommended)
39. This would go against the decision made by the Executive in October 2023 and go against the request from NYP for an ATTRO.
40. A temporary ATTRO has been put in place previously during the Kings visit to York Minster, this was put in place as part of the planning for the visit due to the security requirements of the visit. It is already a requirement of events to consider if the event requires a temporary ATTRO, this may be a decision that NYP make when considering the event manual and request the event has a temporary ATTRO.

Organisational Impact and Implications

41. The report has the following organisational impacts and implications.
 - **Financial**, If the recommended option is approved there is no financial implications. Should approval be given to progress to advertisement then funds allocated within the core transport budget will be used to progress the proposed ATTRO to legal advertisement. If the proposal is then implemented any operational costs with the implementation of the ATTRO will be met by NYP.

- **Human Resources (HR),** If the recommended option is approved there is no human resources implications. If the proposal is then implemented any operational issues with the implementation of the ATTRO when required will be met by NYP.

Legal, The Council regulates traffic by means of Traffic Regulation Orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

The balance between these considerations must come to the appropriate decision.

When considering any restrictions proposed, the Traffic Authority has to consider its duty (as stated above) against the factors mentioned in Section 1 of the Road Traffic Regulation Act 1984.

The traffic order requested by the Chief Constable is an Anti-Terrorism Traffic Regulation Order (ATTRO), which is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. This allows traffic orders to be put in place by the Traffic Authority under S.6, 22C and 22D of the Road Traffic Regulation Act 1984, for the purpose of avoiding or reducing, the likelihood of, danger connected with terrorism or preventing or reducing damage connected with terrorism. An ATTRO can only be made on the recommendation of the Chief Officer of Police.

The making of an ATTRO involves the same processes that apply to other traffic orders under the Road Traffic Regulation Act 1984. If the recommended option to progress to statutory consultation is approved, public consultation on and notice of the proposal must take in accordance with the Local Authorities' Traffic Orders (Procedure) (England) Regulations 2012.

- **Procurement,** If the recommended option is approved there is no procurement implications.

- **Health and Wellbeing**, If the recommended option is approved there is no health and wellbeing implications.
- **Environment and Climate action**, If the recommended option is approved there is no environment and climate action implications.
- **Affordability**, If the recommended option is approved there is no affordability implications.
- **Equalities and Human Rights**, *contact: Director of Housing and Communities - every Decision Report must consider whether to have an Equalities Impact Assessment (EIA) and this section will include the key recommendations from the EIA or explain why no EIA is required.*
- **Data Protection and Privacy**, If the recommended option is approved there is no data protection and privacy implications.
- **Communications**, If the recommended option is approved there is no communication implications.
- **Economy**, If the recommended option is approved there is no economy implications. If the proposal is progressed and the ATTRO is implemented, there may be an impact on the economy as the ATTRO may be required to remove all access (including pedestrian) to a street/city centre.

Risks and Mitigations

42. If the recommended option is not progressed it will provide a risk to the Local Authority as it would not progress the ATTRO, which would be against the request of Police advice.
43. To help ensure that the use of the ATTRO is a proportionate measure used to the minimum extent necessary in order to deal with the likelihood of danger connected to terrorism, it is proposed to review its use annually.

Wards Impacted

44. Guildhall

Contact details

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Background papers

<https://democracy.york.gov.uk/documents/s170253/Consideration%20of%20changes%20to%20the%20City%20Centre%20Traffic%20Regulation%20order%20Footstreets.pdf>

Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Draft City Centre ATTRO
- Annex C: ATTRO Request - CC Forber
- Annex D: ATTRO Boundary

Abbreviations used in this report

List abbreviations used