

Councillor Warters submission / Urgent item in relation to York Christmas Market 2025

5. Public Participation (Pages 3 - 4)

Councillor Warters submission in accordance with Public Participation Protocol in relation to agenda item 12, Park and Ride: Site Improvements and New Bus Service Contract.

16. York Christmas Market 2025 - Implementation of Temporary Anti-Terrorism Traffic Regulation Order (Pages 5 - 58)

(In accordance with Paragraph 15.1 of Appendix 7 to the Constitution, this item is being considered under urgent items.)

To consider a report from the Director of City Development which seeks approval to proceed with all necessary legal and operational steps to implement the temporary Anti-Terrorism Traffic Regulation Order (ATTRO), informed by consideration of alternative approaches, and legal review of the ability and risk of pursuing any alternative approach.

This page is intentionally left blank

**Written submission for consideration at the Executive meeting on
Tuesday, 7 October 2024**

Agenda item 12 – Park and Ride: Site Improvements and New Bus Service Contract

When the University related parking problems were moved from Badger Hill over to Osbaldwick and Murton by City of York Council creating an entirely predictable problem in areas closest to Hull Rd whereby students and University staff can dump cars all day or even for days on end one solution suggested was to encourage parking on the Park and Ride site at Grimston Bar.

It was raised in response that this was not practical because nighttime parking was not permitted, therefore it is disappointing to see that Grimston Bar is not to have 24hour parking like two of the other Park and Ride sites.

Why is this?

A solution exists to a problem CYC have expressly created and yet it is not being pursued.

Clearly there is an aim within CYC to create as much chaos as possible on residential streets in Osbaldwick and Murton to further the promotion of resident's parking schemes (Respark) - little more than another parking tax.

There are other ongoing parking issues in Osbaldwick most created like this problem by CYC that certainly support the view that all this chaos is being encouraged to support the imposition of Respark.

I will happily have Executive contradict me though on these thoughts and instruct the responsible Transport staffers to make Grimston Bar Park and Ride 24 hour parking as soon as possible which could take away the

University related parking off council taxpaying resident's streets in Osbaldwick and Murton.

I look forward to Executive's deliberations on this matter as I am sure residents who have had to put up with the parking problem CYC created in this area will also.

Councillor Mark Warters



Meeting:	Executive Meeting
Meeting date:	7 October 2025
Report of:	Garry Taylor, Director of City Development
Portfolio of:	Councillor Douglas, Leader of the Council

Decision Report: York Christmas Market 2025 - Implementation of Temporary Anti-Terrorism Traffic Regulation Order

Subject of Report

1. The Council has received a formal recommendation from the Chief Constable of North Yorkshire Police (NYP) to implement a temporary Anti-Terrorism Traffic Regulation Order (ATTRO) for the period of the 2025 York Christmas Market (13th November to 21st December), for all streets within the city centre Hostile Vehicle Measures (HVM) area, and for the hours of 10:00am – 19:00 daily (the Christmas Market operating hours). The ATTRO has been recommended for the purposes of facilitating the safety of everybody attending the event, and following consultation with partners, and advice from the National Vehicle Threat Mitigation Unit, Counter Terrorism Security Advisors and the National Protective Security Authority. Refusal to implement an ATTRO after receipt of a compliant recommendation from a Chief Constable would be an unprecedented event nationally.

The ATTRO would encompass (alongside all other HVM area streets), the 'Goodramgate Loop' (Goodramgate between Deangate and King's Square, Church Street, Kings' Square and Colliergate), and the Blake Street St Helen's Square, Lendal loop, through which the Executive in October 2023 permitted Blue Badge Holder vehicular movements during footstreet hours. The ATTRO would also cover the period between 10am and 10.30 when footstreets restrictions are not normally in place, but when the Christmas Market is open – a dialogue is open with NYP around this matter, and the potential to delay commencement of

the Christmas Market to 10.30 is being explored. The ATTRO would authorise NYP to control the movement of pedestrians and vehicles (as required) in this area. The recommendation has been received in response to the Chief Constable's assessment and concern on total vehicle movements through the HVM area during past Christmas Markets.

3. An ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. Under Sections 22C and 22D of the Road Traffic Regulation Act 1984 (as amended), the Council is granted a power to make an ATTRO in response to a Chief Constable recommendation. However, this remains a discretionary power, and the recommendation of the Chief Constable does not mandate the Council to introduce an ATTRO. The Council does, therefore, retain the legal ability to decline to make the ATTRO, but this would be an unprecedented approach, and very strong defensible legal grounds would be required for doing so.
4. The purpose of this report is to seek approval to proceed with all necessary legal and operational steps to implement the temporary ATTRO, informed by consideration of alternative approaches, and legal review of the ability and risk of pursuing any alternative approach.

Benefits and Challenges

5. The letter from the Chief Constable, dated 26 September 2025, recommending that the Council introduce a temporary ATTRO, represents a seismic change in the balancing exercise. That recommendation is based on public safety and also seeks to extend the vehicular exclusion period in the morning to 10am (from 10.30am as previously implemented).
6. The application of this approach will present some challenges to residents, visitors and the business community in terms of accessing, facilitating deliveries and servicing of properties. During the operation of the Christmas markets in previous years, various forms of vehicular access to the controlled area have been permitted during the footstreets operating hours as summarised below
 - Limited numbers of Royal Mail vehicle movements.
 - Limited numbers of Boots Pharmacy vehicles.

- Limited numbers of council Waste Collection and street cleansing vehicles.
 - Shambles Market traders exiting the controlled area and limited to the hours of 17.00-19.00.
 - Blue Badge holders, again limited to the hours of 17.00-19.00.
 - Utilities and service contractors.
7. Previous reports sought to help the Executive establish the policy context for how a suitable balance is struck.
8. However, the Chief Constable's recommendation must be viewed in the context of the legislative framework for ATTROs, and must be accorded significant weight in any balancing exercise. Indeed, a refusal to implement an ATTRO after receipt of a compliant recommendation from a Chief Constable would be an unprecedented event nationally.
9. The decision in 2024 required the Executive to balance the advice from NYP and Counter Terrorism advisors against the rights of all users of the pedestrianised streets (footstreets) (including users with protected characteristics under the Equality Act 2010), and other rights including those of Blue Badge holders requiring individual vehicular access to the footstreets during the Christmas Market period (a protected group under the Equality Act 2010) at the busiest time of the year in terms of footfall. In the absence of the Chief Constable's recommendation, Executive would be free to undertake that balancing exercise again for the 2025 Christmas Market; however, now that the recommendation for the ATTRO has been made, Executive must consider its implementation.

Policy Basis for Decision

10. The 10-year plan sets a vision that everyone can benefit from and take pride in the city with the Council Plan setting a priority that the council will set the conditions for a healthier, fairer, more affordable, more sustainable, and more accessible place where everyone can feel valued.
11. This vision sets a clear policy that an accessible place is a priority for the Executive. The Executive has set out Four Core objectives in the Council Plan which are those outcomes they believe will most support the delivery of their vision. One of which is:
"Equalities and Human Rights - Equality of opportunity - We will create opportunities for all, providing equal opportunity and

balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”.

12. In considering the issue, the Executive are asked to note the balancing exercise already carried out by NYP in their consideration of whether or not to make a recommendation for an ATTRO; it should be noted that the final paragraph of the Chief Constable’s letter clearly states: *“These measures are proportionate and necessary to support the safety and effective management of the event and these restrictions form a critical element for the collective approach to avoid and reduce the likelihood of danger connected with terrorism.”* It is suggested that the Chief Constable’s balancing exercise forms a reasonable basis for Executive to agree to the implementation of the ATTRO, balancing as it does the rights under Articles 2, 8, and 14 of Schedule 1 of the Human Rights Act 1998.
13. The Executive are asked to consider both the ‘absolute’ right to life and the ‘qualified’ protection from discrimination. Neither of these duties take precedence, although a public body can lawfully conclude that other considerations outweigh the equality ones, and it is clear that the Chief Constable has carried out that balancing exercise in making his recommendation. The Executive will need to make a decision proportionately, having regard to all impacts, to reach a balanced decision including the Council’s responsibilities under the Public Sector Equalities Duty. The Executive should, however, give significant weight in that exercise to the Chief Constable’s recommendation.

Financial Strategy Implications

14. The approach of implementing the recommended ATTRO would rely on the existing HVM and standard operational procedures, and requires no additional barrier infrastructure or security resources. Alternative approaches may result in additional infrastructure and staffing costs (previous estimates in the order of £50k) for which there is no council budget available although if Members were to consider these approach it could be a decision to pass the cost to Make it York who organise the event (Make it York being owned by the Council in either case).
15. The financial and economic implications of a successful vehicular attack in the city would be severe given the composition and nature of the city economy. Government research on the costs of terrorist

attacks is available at
<https://www.gov.uk/government/publications/counter-terrorism-strategy-contest-2023/annex-d-estimating-the-cost-of-terrorist-attacks#:~:text=This%20annex%20presents%20the%20estimated,t o%20be%20%C2%A3171.8%20million>

Recommendation and Reasons

16. In light of the recommendation of the Chief Constable of NYP that a temporary ATTRO be made covering the whole HVM protected area (including Goodramgate-King's Square-Colliergate and Blake Street-St Helen's Square-Lendal loops), for the full hours of operation of the Christmas Market (10:00 – 19:00), on the basis of facilitating the safety of those attending the event, Executive is recommended to:
 - i. Agree to make the ATTRO on the recommendation of the Chief Constable of North Yorkshire Police, as advised by the National Vehicle Threat Mitigation Unit, Counter Terrorism Security Advisors and National Protective Security Authority (noting that refusal to implement an ATTRO after receipt of a compliant recommendation from a Chief Constable would be an unprecedented event nationally).
 - ii. Consider a full assessment, including need, risk and risk mitigation assessment, of the various forms of vehicular access historically permitted to the footstreets area during the Christmas Markets, to be presented to the Executive at the earliest opportunity, so arrangements are in place for the opening of York's Christmas Market 2025.

Reason(s):

Executive must reach a decision which is reasonable and proportionate having fully considered all relevant matters. Executive must have strong defensible legal grounds for refusing to make an ATTRO requested by the Chief Constable, and on legal and wider officer review of the specific circumstances, no such grounds are apparent. Refusal to implement an ATTRO after receipt of a compliant recommendation from a Chief Constable would be an unprecedented event nationally.

Background

17. The York Christmas Market is organised by Make it York. They prepare the safety plans and risk assessments and are responsible for the event. A Temporary Traffic Regulation Order extends pedestrianised (footstreet) hours between the hours of 5pm and 7pm during the Christmas Market period and the Hostile Vehicle Mitigation measures operate to this extended time. The number of people visiting the city significantly increases during the Christmas Market - the Christmas Market is significantly busier compared to a summer holiday week, but the pattern of peak footfall per hour in summer is similar to evening footfall during the Christmas Market period.
18. Counter Terrorism Policing North East have advised the Council and briefed both this and previous Executives about the increased risk of hostile vehicle attacks at Christmas Markets. In 2023 the European Home Affairs Commission Ylva Johansson said the polarisation in society caused by the Israel-Hamas war was increasing the risk of violence and that “there is a huge risk of terrorist attacks in the European Union” over the Christmas holiday season. Since this matter was last considered by Executive in November 2024, there have been further hostile vehicle attacks at Magdeburg Christmas Market, Munich, New Orleans, and Liverpool amongst other locations, and The Terrorism (Protection of Premises) Act 2005 (or Martyn’s law), has been enacted and will be fully implemented by April 2027.
19. Following ongoing dialogue, in September 2025, the Chief Constable of North Yorkshire Police issued a formal recommendation for the making of a temporary ATTRO in relation to York Christmas Market 2025 (Annex 1). An ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. This recommends 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'.
20. During the operation of the Christmas markets in previous years, various forms of vehicular access to the controlled area have been

permitted during the footstreets operating hours as summarised below

- Limited numbers of Royal Mail vehicle movements associated with the central sorting function of the organisation, and deemed essential to maintaining of the minimum service standards required as part of their Universal Service Obligations under the Postal Services Act 2011
 - Limited numbers of Boots Pharmacy vehicle movements associated with the timely supply of essential pharmaceuticals to vulnerable service users including care home facilities, and limited by regulations around management of controlled substances, only capable of being met at their central York facility
 - Limited numbers of council Waste Collection and street cleansing vehicles, associated with meeting the requirements of the Environmental Protection Act 1990
 - Shambles Market traders exiting the controlled area and limited to the hours of 17.00-19.00
 - Blue Badge holders, again limited to the hours of 17.00-19.00
 - Utilities and service contractors associated with essential emergency repairs to buildings and infrastructure
21. The recommendation for implementation of ATTRO requires the exclusion of all vehicles (with the exception of Emergency Service vehicles responding to incidents) between the hours of 10.00-19.00.
22. Prior to the receipt of the formal recommendation from NYP, discussions and decisions over 2025 had resulted in the removal of the previous dispensation for Shambles Market Traders to leave the area between 5-7pm. In respect of the other vehicular movements referenced at paragraph 20 above, it is proposed that a full audit and assessment of the need, risk, and potential risk mitigation measures be undertaken for each individual user. This would be completed working jointly with NYP and security advisors, and from this, a set of operating protocols and procedures would be developed, to inform the day-to-day joint implementation of the ATTRO. These would be reported to Executive at a public meeting in accordance with recommendation ii) above.
23. An ATTRO can only be made on the recommendation of the Chief Officer of Police, and on the satisfaction of preconditions, which have been met in this case. Following receipt of this recommendation, the making of the order is the responsibility of the

Local Traffic Authority (the Council), with close joint working on implementation and operation.

24. The making of the order remains a discretionary power, with the recommendation of the Chief Constable not mandating the Council to introduce an ATTRO. Refusal to implement an ATTRO after receipt of a compliant recommendation from a Chief Constable would be an unprecedented event nationally. The Council does, therefore, retain the legal ability to decline to make the ATTRO, but would need very robust and defensible legal grounds for doing so. These legal grounds could include that the Council does not consider that there is a genuine terrorist threat, that less restrictive measures would be sufficient to adequately mitigate risk, or that the restrictions are not proportionate to the ends desired. It is suggested, however, that given the justification put forward by the Chief Constable, and informed by officer review of the specific circumstances of this matter, the identified legal grounds are absent in this case.
25. The order, as recommended, would extend to all of the streets within the existing HVM cordon, including both the Goodramgate-King's Square-Colliergate and Blake Street-St Helen's Square-Lendal loops. It would also cover the whole duration of the Christmas Market operating hours, including between 10-10.30 which has historically not been the case – a dialogue is open with NYP around this period, and ability to delay the Christmas Market commencement to 10.30. This would otherwise have an additional impact on other road users and City Centre businesses, impacting their ability to service and have deliveries to their properties.
26. A number of principles around city centre access have previously been consulted upon and reported to Executive (see annex C). Notably Principle 2 - City centre events stated that "Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets)".

Consultation Analysis

27. Previous executive reports in October 2023 and November 2024 have set out the finding of previous public consultation on Blue Badge access to the city centre, with over 3,000 responses received. The findings of this consultation are re-presented at Annex C for completeness.

28. An ongoing dialogue is also established with Counter Terrorism Policing, and Safety Advisory Group who provide a forum for discussing and advising on public safety at events. The formal advice of the group, and of Counter Terrorism Policing has consistently been that they would object to the allowing vehicle access into the city centre as it has the potential for hostiles to enter and they have a very strong preference for the exclusion of Blue Badge holders, Shambles Market Traders and 'non-essential' vehicles at the time of any major events that are held in the 'sterile' zone. A formal meeting of the Safety Advisory Group took place most recently on the 10th September 2025, at which the Christmas Market access arrangements were discussed in detail and, in line with the recommended ATTRO, total vehicular exclusion, with the exception of emergency services, into the sterile area during the Christmas Market period was supported.
29. The underlying threat level – which indicates the likelihood of a terrorist attack in the UK, and is set by the Joint Terrorism Analysis Centre and the Security Service (MI5) – remains 'substantial' (as was the case during previous Executive decisions on this matter), meaning that 'an attack is likely'.

Options Analysis and Evidential Basis

30. Not making the ATTRO following the recommendation of Chief Constable at NYP would require very robust and defensible legal grounds. These legal grounds could include that the Council does not consider that there is a genuine terrorist threat, that less restrictive measures would be sufficient to adequately mitigate risk, or that the restrictions are not proportionate to the ends desired; informed by a review of the specific circumstances of this matter, including review by legal officers, these (or additional) grounds do not, however, appear to be made out in this case. In addition, any such decision would be likely to increase the Council's liability in the event of an incident.
31. The advantages and disadvantages (or evidential basis) of the potential approaches are the factors already discussed in detail in this report, related on the one hand to the equalities and human rights benefits including to Blue Badge holders, and on the other, the public safety, right to life, duty to protect life, and the potential negative impact that increased pedestrians and vehicular traffic in

the pedestrianised area could have on some groups with protected characteristics under the Equality Act 2010.

32. The review described in paragraph 22 above will form part of the evidential basis for decision making on its completion.

Organisational Impact and Implications

33. When Executive have made previous decisions on city centre vehicular access, they weighed up the security advice with the impact on Blue Badge holders and others. It was, and remains, a difficult decision. To that balancing exercise, Executive must now add the considerable weight of the recommendation of the Chief Constable.
34. All previous decision reports have made the decision makers aware that the impact on disabled people with mobility impairments would be so extreme that they would have difficulty in accessing the pedestrianised street and that some disabled people would not be able to access the pedestrianised streets at all. This is the current situation for the Christmas Market.
35. When considering their preferred approach, the Executive are required by law to consider if these are reasonable and proportionate, having fully considered the Equalities Impacts.
36. The Executive therefore need to weigh up all the relevant considerations including the following key issues:
- consider the ATTRO recommendation, advice from Counter Terrorism Policing and the right to life and duty to protect life,
 - consider the equalities and human rights benefits of vehicular access during the Christmas Market period,
 - consider the increased number of pedestrians and the general road safety issues, and

Financial

The recommended approach can be managed within current Council budgets, and therefore there are no financial implications to this decision.

Human Resources (HR)

There are no HR implications contained within this report other than a potential requirement for additional resource should an alternative approach to the ATTRO be taken forward by Executive. Any additional resource required by CYC would be established and resourced in accordance with Council policy.

Legal

Traffic Regulation Orders

The Council, as Highway Authority and Local Traffic Authority is responsible for making Traffic Regulation Orders (TRO). The Council has a statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (having regard to the effect on amenities).

Any amendment to an existing Traffic Regulation Order will need to be effected in accordance with the relevant statutory procedures including the requirement for formal consultation and advertisement in the local press. Where objections are received, there is a duty on the Council to ensure that these objections are duly considered.

The recommendation by the Chief Constable for the introduction of a temporary ATTRO is unprecedented for CYC, and must be afforded due weight in any consideration of the issue.

Public Sector Equality Duty

*The Council must comply with the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. This means in relation to making a decision, the decision-maker must firstly understand their obligations under the PSED. This is a duty to have **due regard** to the need to:*

- 1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010.*
- 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and*
- 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention.

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

Secondly the decision maker must have sufficient relevant information and demonstrably take this information fully into account throughout the decision-making process.

The concept of due regard requires that there has been proper and conscientious focus on what the duty requires at 1-3 above. If that is done, a court cannot interfere with the decision simply because it would have given greater weight to the equality implications of than the decision maker did. However, the decision maker must be clear precisely what the equality implications are when they put them in the balance. A public body can lawfully conclude that other considerations outweigh the equality ones. This could include security concerns or available resources provided that the weight given to those countervailing factors is not irrational.

Thirdly, the courts have established that the potential impact of a decision on people with different protected characteristics is a mandatory relevant consideration. The manner of assessing that impact is discretionary. Often an Equality Impact Assessment is an appropriate tool but is not the only available tool. It is the quality of the assessment whether that is presented in an EIA or some other evaluative report which is important.

Contract with Make it York

The Council has a contract with Make it York to provide market and events services. Members will need to be mindful of implications in relation to that contract when considering their preferred approach.

Procurement

Any changes to existing contracts may require formal variation which must be completed in consultation with procurement and legal.

Health and Wellbeing

No additional comments.

Environment and Climate action

The climate impacts are negligible from the potential approaches. The report defines how the city centre environment is managed.

Affordability

There is not expected to be additional impacts from this report on low-income groups.

Equalities and Human Rights

As per the previous sections of this report, the Council recognises, and needs to take into account its PSED under Section 149 of the EA 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

A full Equalities Impact Assessment was completed for the October 2023 decision on Blue Badge access to the city centre throughout the year, and is relevant – Annex G of <https://democracy.york.gov.uk/mgAi.aspx?ID=65945#mgDocuments> , although it did not specifically consider issues around permitting Blue Badge vehicular access during the Christmas Market period or other popular events. An updated Equalities Impact Assessment is also provided at Annex B to this report

Specific equality considerations for the approaches considered in this report for the Christmas market period can be summarised as follows (worded on the assumption of the ATTRO being implemented):

o Age

- *Negative impact for older people who are more likely to hold a blue badge and to use the streets listed in the report for access and to park in the city centre.*
- *Positive impact for some older people and some younger people as some people benefit from a reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. This is especially important for some of these groups when the streets are busier due to the additional footfall for the Christmas market.*

o Disability

- *Not having the ability to drive and park in the streets listed in the report will increase the distance disabled people have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible.*

- *Many respondents to previous consultations and workshops have stated that the removal of blue badge parking and vehicular access has precluded them entirely from accessing the city centre during footstreets hours. This means that they haven't been able to access the services available in the footstreets.*
- *Benefit for some disabled users from a reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. This is especially important for some disabled people when the streets are busier due to the additional footfall for the Christmas Market. This is particularly the case for those living with sight loss or visual impairments and those who do not rely on blue badge vehicular access.*
- *Pregnancy and maternity – impacts are similar to those described above when considering people who may experience pregnancy related mobility impairments, especially in later stages of pregnancy, as they may be eligible for a blue badge; and people with young children who tend to benefit from significant reductions in motorised traffic during pedestrianised hours.*
- *Religion and/or belief - The key considerations (both positive and negative) are as those described above for older people and people living with a disability and apply to access to the St Sampson's Centre (Church Street), The Holy Trinity Church (Goodramgate), St Helen's Church (Stonegate), and St Martin le Grand (Coney Street).*
- *Carer - The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.*
- *Specific human rights considerations for the alternatives of enable vehicular access for Blue Badge holders during the footstreet hours for the Christmas Market period can be summarised as follows:*
- *Article 2, Article 8 and Article 14 are specifically considered. In making a decision, the council must carefully consider the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be*

reasonably justified as a proportionate means of achieving a legitimate aim.

- *If a decision is made to enable vehicular access for blue badge holders during the extended footstreet hours for the period of the Christmas Market, the risk profile changes and the decision needs to balance the right to life of the people working in and visiting York's pedestrianised area during the Christmas Market (Article 2) and the right to private life and to enjoy this right without discrimination (Articles 8 and 14).*

Data Protection and Privacy

*Data protection impact assessments (“**DPIAs**”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve. As there is no personal data, special categories of personal data or criminal offence data being processed to inform the Consideration of changes to the City Centre Traffic Regulation order (Footstreets), there is no requirement to complete a DPIA This is evidenced by completion of DPIA screening questions. However, there will need to be consideration and completion of DPIAs where required, within delivery of the plan.*

Communications

A supporting campaign is recommended, that clearly sets out the council's key messaging generally and shares it with affected groups. We will also be prepared to respond to any enquiries with reactive communications.

Economy

With one in five of all households including people with disabilities, the Purple Pound – that is to say, the money that those households spend – represents a significant proportion of the UK economy and spend in York city centre. York Christmas Market is an important component of the city's vibrant offer, supporting the city economy by driving footfall and spend, and contributing more broadly in a positive way to the public perception of the city. Cancelling the Christmas Market would have a negative impact on

the city economy, and should a vehicle attack occur in the city the reputational and economic damage to York would be very significant.

Risks and Mitigations

36. There are a range of risks which may arise from any decision, they may be financial, reputational, or legal risks depending on the specific circumstances.
37. The security advice is that the installation of permanent Hostile Vehicle Mitigation measures were a significant improvement in the security of the city centre, and the recommendation from NYP is the full deployment of these facilities for the full duration of the Christmas Market 2025
38. The security advice from Counter Terrorism Policing is that their preference is for only blue light vehicles to be permitted into the secure zone. Should Executive permit vehicular access through the Hostile Vehicle Mitigation measures during the Christmas Market period it adds a substantially increased level of risk.
39. The assessment of risk is the likelihood of the risk manifesting itself combined with the consequence if the risk does manifest itself.
40. The most likely risk relates to a road traffic accident; whilst any immediate liability for such an accident would fall on the individual party who caused the accident, if it was found that the procedures put in place by the Council and/or Make It York (MIY) in respect of vehicular access were defective, the Council may be found to be contributorily negligent. This would lead to both financial loss for the Council and reputational damage.
41. Alongside this risk is the possibility of a terrorist incident, arising from a terrorist actor taking advantage of the enhanced access to conduct an attack further into the Christmas Market event. Whilst the likelihood of such an event may appear low, the catastrophic nature of such events means that serious consideration must be given to this eventuality and any consequences. Depending on the event in question, were any serious failings to be identified as a result of such an incident, the Council may be subject to a public inquiry process, criminal charges, and reputational damage as well as the wider impact on the wider economy. Criminal liability may arise through either corporate manslaughter charges in relation to

the Council, and/or through manslaughter by gross negligence charges in relation to individuals. This is particularly the case in the context of the clear position and recommendations from NYP. Further detailed granular risk assessment is proposed at paragraph 22 and will inform detailed decision making around operational protocols.

42. In addition to the above, there is a risk that MIY will either decline to continue with the Christmas Market event, or that the named Event Organiser from MIY will decline to fulfil that role. This would present a number of both operational issues and risks, the Council would not be in a position to fulfil that role (nor, if necessary, the role of event safety officer which requires specific crowd safety qualifications), and therefore could give rise to potentially significant financial claims against the Council for compensation and loss of earnings from traders and a dispute with Make it York.
43. Risk is something that officers and indeed police and counter terrorism experts can only advise on, the judgement call is for the Executive as decision maker to determine whether its appetite for risk lies against the impacts of such restrictions and whether the mitigations are proportionate.

Wards Impacted

44. Disabled people live in all wards, but the direct physical impact is only on Guildhall Ward

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	Garry Taylor
Job Title:	Director of City Development
Service Area:	City Development
Telephone:	01904 551263
Report approved:	Yes
Date:	01/10/2025

Co-author

Name:	Ben Murphy
Job Title:	Head of City Development
Service Area:	City Development
Telephone:	07860693627
Report approved:	Yes
Date:	01/10/2025

Background papers

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention.

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>)

Executive - February 2018 - City Transport Access Measures

<https://democracy.york.gov.uk/documents/g10196/Public%20reports%20pack%20Thursday%2008-Feb-2018%2017.30%20Executive.pdf?T=10>

Executive - September 2018 – City Centre Access and Priority 1 Proposals

<https://democracy.york.gov.uk/documents/g10472/Public%20reports%20pack%20Thursday%2027-Sep-2018%2017.30%20Executive.pdf?T=10>

Executive - August 2019 - My City Centre Project

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%2017.30%20Executive.pdf?T=10>

Executive - August 2019 - City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%2017.30%20Executive.pdf?T=10>

Executive - February 2020 - City Centre Access – Phase 1 Proposals (Update)

<https://democracy.york.gov.uk/documents/g11116/Public%20reports%20pack%20Thursday%2013-Feb-2020%2017.30%20Executive.pdf?T=10>

Executive – June 2020 - City of York Council Recovery and Renewal Strategy

<https://democracy.york.gov.uk/documents/g12293/Public%20reports%20pack%20Thursday%2025-Jun-2020%2017.30%20Executive.pdf?T=10>

Executive - November 2020 - City of York Council Recovery and Renewal Strategy - November Update

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%2017.30%20Executive.pdf?T=10>

Executive - November 2020 - The Future of the Extended City Centre Footstreets

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%2017.30%20Executive.pdf?T=10>

Executive Member for Transport – June 2022 - Footstreets Traffic Regulation Order Proposals

<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>

Executive - November 2021 - My City Centre Strategic Vision - Adoption of Vision and Next Steps

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - November 2021 - Strategic Reviews of City Centre Access and Council Car Parking

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - November 2021 - Consideration of Changes to the City Centre Traffic Regulation Order.

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - July 2022 - City Centre Access Action Plan Update

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pack%20Thursday%2028-Jul-2022%2017.30%20Executive.pdf?T=10>

Executive - November 2022 - Pavement Café Licence Update

<https://democracy.york.gov.uk/documents/g13292/Public%20reports%20pack%20Tuesday%2022-Nov-2022%2017.30%20Executive.pdf?T=10>

Executive – October 2023 – Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)

<https://democracy.york.gov.uk/documents/g13931/Public%20reports%20pack%20Thursday%2012-Oct-2023%2017.30%20Executive.pdf?T=10>

Executive November 2024 – York Christmas Market 2024 and Blue Badge Access

<https://democracy.york.gov.uk/documents/b40185/York%20Christmas%20Market%202024%20and%20Blue%20Badge%20Access%20Thursday%2014-Nov-2024%2017.30%20Executive.pdf?T=9>



26th September 2025

FAO Head of Highway Management

Dear Helene,

Recommendation for temporary Anti-Terrorism Traffic Regulation order (ATTRO) in relation to York Christmas Market 2025.

On 13th November – 21st December 2025, York City will host the annual York Christmas Market in the city centre. This event draw thousands of extra visitors to the streets of York, creating crowded footfall, in an already busy shopping and tourist area for a prolonged period. The Minister is also classed as a Tier 1 site for terrorism which is within the vicinity of this market.

Since 2024's Christmas Market there have been hostile vehicle attacks at Magdeburg Christmas Market, Munich, New Orleans, and Liverpool; amongst other locations. The current National Threat to a terrorist attack is currently 'Substantial'; an attack is likely. These incidents, teamed with the rise in political tensions means there is a need to consider the vulnerability of York Christmas market to a similar attack and ensure all security measures are put in place and stringently adhered to.

Due to the factors outlined above this event requires roads to be closed in accordance to North Yorkshire Police's public safety and security plans. The road closures are to facilitate the safety of everyone attending. The closures minimise the risk of intrusion of a vehicle by accident or intent, into the Christmas Market area, causing injury or building damage and preventing a terrorist attack.

There is currently permanent HVM bollards in place in York City Centre, which could mitigate the risk of a vehicle attack by a terrorist, however, there are currently considerations of exemptions to this restricted access for:

- deliveries to shops within the HVM during Christmas Market opening times
- blue badge holder vehicle access through the HVM during Christmas Market opening times

The HVM the Council already has put in place is adequate if used as it was intended. Any exemptions to these measures, as highlighted above, would increases the risk and vulnerability to an attack. Determined attackers will seek to exploit any weaknesses to gain access to the protected area through the two exemptions City of York Council (CYC) are considering.

Advice has been sought from the National Vehicle Threat Mitigation Unit, Counter Terrorism Security Advisors and National Protective Security Authority in relation to the application of an ATTRO. Advice has been received that an ATTRO should be sought. This provides a

statutory basis under which the Road Traffic Regulation Act 1984 (RTRA) for regulating traffic and implementing physical security measure to:

***Avoid or reduce the likelihood of danger connected with terrorism; and
Prevent or reduce damage connected with terrorism offences,
Where terrorism is defined within the Terrorism Act 2000***

Considering the use of physical measures, the recommendation for the application for the ATTRO is a proportionate and necessary requirement. The ATTRO being recommended is to prevent access to the defined area of the event, by a determined attacker – whether they are intent on using the vehicle itself as a weapon or as a means of introducing an Improvised Explosive Device into the crowded area.

The ATTRO provides for the statutory authority to deploy physical assets for robust vehicle mitigation. It also provides flexibility to commence, suspend and resume provisions as necessary which allows discretion in the application. It enables the removal of vehicles that are already on named roads at the commencement of any part of an ATTRO(s). It would also provide the authority to remove or control access by pedestrians when necessary to enable security operation to take place.

If the ATTRO is granted, North Yorkshire Police and CYC, will be working together to bring it into effect. Training and awareness will be provided to police officers and event staff.

The Police are therefore seeking a temporary ATTRO(s) in the terms of the following temporary notices(s) or order(s) pursuant to s.14(1) or (s) & ss 22 Road Traffic Regulation Act 1984 (RTRA) which will allow the closure of the roads to vehicles and pedestrians (as required).

To support the prior planning and organisation of the event a number of roads will need closing and/or their use restricting. The use of the following roads, or any part, thereof, will be prohibited or restricted by all vehicles; with the exemption of Emergency Service vehicles responding to incidents, during the dates and times specified, as confirmed by CYC:

All streets within the permanent HVM in York City Centre, including Goodram Gate loop, Blake Street, St Helen's Square and Lendal loop.	10:00 – 19:00 hours each day	13 th November – 21 st December 2025
---	------------------------------	--

The time periods for these closures will allow for the removal of vehicles and be used effectively for a sterile area to be created. Removal of vehicles also mitigates the threat of an Improvised Explosive Device being introduced to the location within a vehicle.

The road closures and introduction of physical barriers will have the benefit of ensuring wider public safety and reduce possible disruption in a non-hostile related incidents. The ATTRO will allow for support to crowd management recognising the opening and removal of barriers, which can be achieved if public safety is a concern due to crowding.

These measures are proportionate and necessary to support the safety and effective management of the event and these restrictions form a critical element for the collective approach to avoid and reduce the likelihood of danger connected with terrorism.

For any questions or queries please contact Inspector Phoebe Walker
Phoebe.Walker@northyorkshire.police.uk.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'T. Forber', with a stylized flourish extending to the right.

Tim Forber

Chief Constable

North Yorkshire Police

This page is intentionally left blank

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	City Development		
Service Area:	City Development		
Name of the proposal :	York Christmas Market 2025 – Implementation of Temporary Anti-Terrorism Traffic Regulation Order.		
Lead officer:	Garry Taylor		
Date assessment completed:	16.9.25 (updating previous assessment 05/09/23 ‘Consideration of changes to the City Centre Traffic regulation order Review of decision to remove blue badge exemption for city centre access during the pedestrian hours’)		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Ben Murphy	Head of City Development	CYC	City development
Helene Vergereau*	Traffic and Highway Development Manager	CYC	Transport
Darren Hobson*	Traffic Management Team Leader	CYC	Transport
James Gilchrist*	Director of Transport Environment and Planning	CYC	Transport
David Smith*	Access Officer	CYC	Access

Step 1 – Aims and intended outcomes

*In respect of original 2023 EIA – italic text refers throughout

1.1	What is the purpose of the proposal?
	<p>This EIA has been prepared to support an Executive Decision around the operation of York Christmas Market 2025, and specifically the implementation of a temporary Anti-Terrorism Traffic Regulation Order (ATTRO) which would prevent all vehicles from accessing the area protected by Hostile Vehicle Measures (HVM) for the full period of the 2025 Christmas Market (including its full operating hours 10am- 7pm).</p> <p>A related decision was made by Executive in November 2024, supported by an EIA undertaken in 2023 which considered the reinstatement of blue badge access to some of the pedestrianised streets (Blake Street, Lendal, S. Helen's Square. Goodram Gate - between Deangate and King's Square, Church Street, King Square and Colliergate) following its earlier removal (and which reinstatement was subsequently approved by members and implemented). Given the closely related equalities issues under consideration across these three key decisions, much of the original 2023 discussion and context setting is reincluded in this EIA.</p> <p>In November 2021, the Executive took the decision to permanently remove the exemption which had previously allowed blue badge holders vehicular access to some of the pedestrianised streets, namely Blake Street, Lendal, S. Helen's Square. Goodram Gate (between Deangate and King's Square), Church Street, King Square and Colliergate.</p> <p>The extant TRO prohibited vehicles from accessing the footstreets between 10.30am and 5pm every day, historically there was an exemption for vehicles with a Blue Badge on the streets listed above. Other exemptions apply for emergency vehicles and where access has been permitted by the Highway Authority (waivers).</p> <p>The decision to remove access in November 2021 was based on over 18 months of public engagement with residents, businesses and interest groups including disability groups. An EIA was also completed in 2021 as part of the November decision session</p>

<https://democracy.york.gov.uk/documents/s153763/Annex%20AA%20Blue%20Badge%20Exemption%20Removal%20EIA.pdf>

In 2023 the new administration wished to review that decision and reinstated blue badge access.

This decision was informed by additional consultation on the principles of reinstating blue badge access on the same principles as previously which also informed the EIA.

This EIA considers the alternative approaches and supports decision makers in weighing up the conflicting issues in considering the implementation of the ATTRO, which would have the effect of removing access for blue badge holders over the extended footstreet hours during the Christmas market.

- The November 2021 report identified the significant impact that some blue badge holders would be excluded from the vehicular access to the pedestrianised streets as a result of the decision and others would find access harder. This became lived experience and a significant campaign to “Overturn the Ban” took place. Reinstating blue badge access therefore reinstated and improved access for those blue badge who had been impacted.
- In striking a balance decision makers considered public safety and avoiding danger to persons in areas of high footfall, recognising the Council’s duty to protect the public from terrorism. By permitting access it changes the risk of a vehicle as a weapon (VAW) or Improvised Explosive Device (IED) attack.
- The number of vehicles accessing the streets listed above changes the risk of conflict between vehicles and pedestrians, particularly in busy periods;
- It would reduce the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, with impact on the amenities of the footstreet area;

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Relevant legislation includes:</p> <ul style="list-style-type: none"> • Equality Act 2010, which aims to protect people from discrimination in the workplace and in wider society. The Act includes a Public Sector Equality Duty, which requires public bodies to consider how their decisions and policies affect people with protected characteristics. The public body also should have evidence to show how it has done this. It also requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The Equality Act 2010 covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. • Human Rights Act –sets out the fundamental rights and freedoms that everyone is entitled to. In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim. • Inclusive Mobility Guidance (Department for Transport 2005) • Protect Duty consultation documents (www.gov.uk/government/consultations/protect-duty) • Hostile Vehicle Mitigation guidance (www.gov.uk/government/publications/crowded-places-guidance/hostile-vehicle-mitigation-hvm#vehicle-as-a-weapon-vaw) • The Blue Badge scheme: rights and responsibilities in England (www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england) • Road Traffic Regulation Act 1984 and associated regulations relating to TROs, under which local traffic authorities in England and Wales (outside London) may make permanent orders for the following purposes: <ul style="list-style-type: none"> ○ To avoid danger to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising;

	<ul style="list-style-type: none"> ○ To prevent damage to the road or to any building on or near the road; ○ To facilitate the passage on the road or any other road of any class of traffic (including pedestrians); ○ To prevent the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; ○ To preserve the character of the road in a case where it is specially suitable for use by persons (...) on foot; ○ To preserve or improve the amenities of the area through which the road runs; or ○ To preserve or improve local air quality. <ul style="list-style-type: none"> • The Business and Planning Act which creates a de-regulated approach to pavement cafes. • The Terrorism (Protection of Premises) Bill (or Martyn's law), has also now achieved royal assent, and entered into a period prior to full implementation by April 2027.
--	---

1.3	Who are the stakeholders and what are their interests
	<p>Key stakeholders for this proposal are road users including motorists, pedestrians, and Blue Badge holders who were able to access and park in the streets listed above during footstreet hours before the temporary changes were made to the access exemptions, which were then made permanent in the November 2021 report.</p> <p>It is wrong to assume that all Blue Badge holders' feel the same way about what has happened or what should happen, but this is now based on significant and lived experience in a post pandemic world. There have also been changes in Council policy most notably by changing the conditions under which pavement cafes will be permitted.</p> <p>Other stakeholders include:</p>

	<ul style="list-style-type: none"> • Other groups visiting the pedestrian area and accessing its shops and services; and • City centre businesses and service providers (e.g. deliveries, trades, etc). • North Yorkshire Police and relevant anti-terrorism organisations <p>Their interests are wide ranging and include suitable access by a range of transport modes (private car, taxi/private hire, deliveries, cycling, walking), safety, and services and amenities available in the footstreet area.</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The new Council Plan contains four key commitments one of which is Equalities and Human Rights - Equality of opportunity and states</p> <p>“We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”</p> <p>The decision seeks to balance the</p> <ul style="list-style-type: none"> • impact on blue badge holders of any decision to exclude access to some of the pedestrianised streets during the extended footstreets hours in the Christmas market period, and the exclusion this has had on some groups. • public safety and avoid danger to persons in areas of high footfall to reduce the risk of a vehicle as a weapon attack and the level of conflict between vehicles and pedestrians more generally, particularly in busy periods; • the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, improving the amenities of the footstreet area

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/supporting evidence	Reason for using
Public consultation	<u>Consultation on Principles of reinstating blue badge access</u> <ul style="list-style-type: none"> • Principle 1 - Return to previous access – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council's decision of November 2021 to make them permanent. 83% Agree, 12% Disagree, 5% Don't know Total responses = 2867 • Principle 2 - City centre events – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets). 61% Agree, 32% Disagree, 7% Don't know, Total responses = 2870

	<ul style="list-style-type: none"> • Principle 3 - Recognising Security Risks – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004. 88% Agree, 7% Disagree, 5% Don't know Total responses = 2866 • Principle 4 - Finding solutions – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this 90% Agree, 5% Disagree, 4% Don't know Total responses = 2858 • Principle 5 - Longer term improvements – The Council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy 89% Agree, 4% Disagree, 7% Don't know Total responses = 2861 <p><u>Reverse The Ban Petition</u> In October 2022 a Reverse the Ban Post Card Campaign was submitted to the council. This can be summarised as follows:</p> <ul style="list-style-type: none"> • 2,734 cards received, • 2,074 were residents,
--	--

- 660 were visitors including people who work in York or visit York regularly from the surrounding areas and tourists,
- 677 responses contained additional written comments of which
 - 231 of which reference to the rights of disabled people under the Human Rights Act / disability discrimination,
 - 141 sight personal experiences including how the change has affected them emotionally,
 - 86 references to no longer being able to get into the city centre,
 - 15 references to political parties,
 - 4 references to terrorist activities

My City centre engagement – this was an engagement with residents, businesses and special interest groups. This was an open discussion around what the city centre could look like in the future and was the foundation for the November 2020 Executive report.

City Centre Access Project - The extent of the footstreet area has been subject to ongoing discussions for a number of years as part of the City Centre Access project in response to the threat of terrorism as outlined in the report, and particularly the use of hostile vehicles as a potential mode of attack. This had led to the approval of a first phase of hostile vehicle mitigation measures for the existing permanent footstreet area, but with potential future phases to expand the area of protection.

Temporary Covid measures – When the temporary Covid measures were introduced, the Council engaged with approx. 450 individuals as well as advocacy groups representing thousands of people with disabilities and/or reduced mobility across the city. An open community

brief detailed the main themes and challenges which these changes sought to address, and the summary of conversations with the city's businesses and representative groups. The principles of the footstreets extension was broadly supported by a majority of respondents to the citywide survey, which was also reflected in the support from residents identifying themselves as disabled. There are tangible benefits for many, in particular blind and partially sighted people, children, and older people. However, the desire from many for footstreets and spaces to be vehicle free is in contrast to Blue Badge holders' request for vehicular access to the pedestrianised area. These objections were articulated in a petition signed by 1,093 people, including 501 York residents, calling for the reversal of the changes.

Additional consultation undertaken for the November 2021 Decision to permanently remove blue badge access – A consultation took place to review available Blue Badge Parking on the outskirts of the city centre in April 2021. This took the form of an online questionnaire and two online workshops on 22 April 2021, one during the working day and one in the evening, to allow those working in disability organisations and professional advocates to attend, while also offering an out of office hours opportunity for those who may want to take part but are at work or unavailable during the day. This consultation was promoted through the media, on social media (tagging disability organisations), and to the following organisations: Alan Bott Charity, York Disability Rights Forum, York Human Rights City, York Programme for UN International Day of People with Disabilities, Jorvik Deaf Connections, Lollipop, York People First, MS Society, Older Citizens Advocacy York, Wilberforce Trust, Healthwatch York, My Sight York, York Carers Centre, York Carers Forum, York Parent Carer Forum, Age UK York, Converge (York St

John), Mind, York Advocacy (Mind), Learning Disability Self Advocates Forum, York Self Advocacy Forum, York Inspirational Kids, York Access and Mobility Club Facebook Group, York Older People's Assembly, York Dementia Action Alliance, CVS, York Wheels, Dial and Ride, Shopmobility, Inclusive Engagement, Individuals from CCA Exercise, Labour Women's Officer, York Cycle Campaign, Get Cycling, Sight Loss Council, York Accessibility Action, Action on Hearing Loss, British Deaf Association, York Disability Week, York ME Community, Blueberry Academy, and York Alzheimers.

The engagement followed an open conversation approach, both online and offline, including direct conversations with individuals and advocacy groups. This allowed detailed discussions to take place with those who wished to engage in depth, and captured general views through an online survey, which was distributed to nearby residents, city centre businesses, and paper based questionnaires distributed across the city as requested. In total there were 540 survey responses completed, of the completed surveys 270 were completed by residents who are Blue Badge holders, 65 by residents who are not Blue Badge holders, 69 by carers of a Blue Badge holder, 7 from businesses (including taxi drivers) and 129 skipped the question.

Statutory consultation for the November 2021 Decision - The statutory consultation for the amendment of the TROs was advertised on 9th July 2021, with an original end date of 6th August 2021, which was extended until 13th August 2021. 206 representations were received on the proposal to remove Blue Badge access exemptions, 5 in support and 201 against the proposal and detailed in the November 2021 report.

<p>Research Report</p>	<p>For the August 2019 Executive report, approving the permanent changes to the Traffic Regulation Order to deliver the Phase 1 Hostile Vehicle Mitigation proposals in the city centre, an independent review of Blue Badge Parking Access was also commissioned from Parking Perspectives a consultancy specialising in parking.</p> <p>In addition, Disabled Motoring UK, a charity and advocacy group for disabled people, were commissioned to produce an independent review of York's disabled access offer.</p> <p>Martin Higgitt Associates also produced an independent report</p> <p>The November 2020 Executive also commissioned a Strategic Review of City Centre Access in order to identify potential improvements to city centre access</p>
<p>Surveys</p>	<p><u>City Centre Access project</u></p> <p>As part of this work, parking surveys were undertaken in the streets listed above in May 2019. This shows 86 parking events/day in the Goodramgate corridor, of which 80 vehicles displayed a Blue Badge. 86 parking events/day were also recorded on the Blake Street corridor, of which 49 vehicles displayed a Blue Badge.</p> <p><u>Traffic surveys undertaken in 2018 and 2021</u> – Traffic surveys in the listed streets were undertaken as part of the City Centre Access project in 2018 and repeated in 2021. This shows the following number of vehicles accessing the streets listed below between 10.30am and 5pm (pedestrianised hours):</p> <ul style="list-style-type: none"> • Blake Street <ul style="list-style-type: none"> o Weekday: 139 motorised vehicles in 2018, 12 in 2021 o Saturday: 100 motorised vehicles in 2018, 4 in 2021 • Lendal <ul style="list-style-type: none"> o Weekday: 161 motorised vehicles in 2018, 30 in 2021

	<ul style="list-style-type: none"> o Saturday: 106 motorised vehicles in 2018, 23 in 2021 • Colliergate <ul style="list-style-type: none"> o Weekday: 80 motorised vehicles in 2018, 39 in 2021 o Saturday: 106 motorised vehicles in 2018, 27 in 2021 • Goodramgate <ul style="list-style-type: none"> o Weekday: 2018 data unavailable, 11 in 2021 o Saturday: 106 motorised vehicles in 2018, 4 in 2021
Experience of permitting access to blue badge holders between the hours of 5-7pm during the 2024 Christmas Market operations	This ability resulted in an average of one vehicle per day using the facility, though it is accepted that the period permitted was outside of normal business operating hours, and that more holders would potentially have used the facility over a longer period.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	Action to deal with this
Medium and long term policy and technology context	<p>The Council has always committed to keep the operation of hostile vehicle mitigation measures under review, this is because the terror threat will change and potentially require adjustment, either allowing restrictions to be relaxed or potentially tightened bases upon threats.</p> <p>The medium term impact has already seen a change in council policy for instance the change to keeping 1.5 metres of footway clear. The ongoing lived experience is better understood but the ongoing exclusion has the potential to have greater impacts not just on those excluded but on the way the city centre business and uses respond to the restrictions.</p> <p>Therefore keeping any decisions under review is essential and the options outlined in the report seek to permit this to happen in agile way such as the Anti Terrorism Traffic Regulation Order. If blue badge access is permitted keeping under review new and emerging technology solutions could potentially different access solutions in the future.</p>

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</p> <p>NB impacts framed from the perspective of restricting Blue Badge access during the extended footstreet hours in line with ATTRO</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Older people are more likely to hold a blue badge and their inability to drive and park in the pedestrianised streets will impact exclusion and the distance those with reduced mobility have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible during footstreet hours. This is also applicable to families with young children where a family member is a blue badge holder. Restricting broader blue badge access would have a high negative impact for these groups.</p> <p>However, some older people supported the removal of blue badge holder access and would benefit from the reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. Younger people, especially young children and families would also benefit from a reduced number of motorised vehicles in the streets listed above</p>	Mixed positive and negative	<p>Negative High</p> <p>Positive medium</p>

<p>Disability</p>	<p>As identified in the original report the exclusion of blue badge holders has a very significant impact on some blue badge holders, where as some people living with a disability/mobility impairment have previously identified benefits of an exemption. This applies to the extended footstreet hours during the Christmas market period, though positive impacts at this time are reduced by virtue of the range of businesses and services accessible at this time.</p> <p>Negative impacts (high) – Should blue badge access be permitted, people living with a disability/impairment are more likely to hold a blue badge and to have used the streets listed above for access to and to park in the city centre.</p> <p>Allowing the ability to drive and park in these streets will decrease the distance disabled people have to travel on foot or using a wheelchair or mobility scooter, making the footstreet area more accessible during footstreet hours.</p> <p>Many respondents to previous consultations and workshops have stated that the removal of blue badge parking and vehicular access has precluded them entirely from accessing the city centre during footstreets hours. This means that they haven't be able to access the services available in the footstreets.</p> <p>Positive impacts (medium) –Some people living with a disability have supported the removal of the access exemption for blue badge holders benefiting from the</p>	<p>Mixed positive and negative</p>	<p>Negative - High</p> <p>Positive – Medium</p>
--------------------------	--	------------------------------------	---

	<p>reduction in the number of vehicles accessing the footstreet area, making it a safer, mainly car free, environment for all users.</p> <p>This is particularly the case for those with visual impairments and others who identify as disabled or live with mobility issues, but do not rely on a car and blue badge parking.</p> <p>These users have previously generally noted the positive impact of the reduction in vehicles in the streets, reducing the risk of conflict and enabling them to use the carriageway to travel along the streets, often providing a more even, wider area, compared to using the narrow footways available in many parts of the city centre.</p>		
Gender	No differential impacts identified	Neutral	
Gender Reassignment	No differential impacts identified	Neutral	
Marriage and civil partnership	No differential impacts identified	Neutral	
Pregnancy and maternity	<p>The proposals have been identified as having a mixed impact on pregnancy and maternity when considering the potential impact on women who may experience pregnancy related mobility impairments, especially in later stages of pregnancy, as they may be eligible for a blue badge.</p> <p>By restricting blue badge access, women living with pregnancy related mobility impairments who may hold a blue</p>	Mixed: Positive and Negative	Negative High

	<p>badge would be less able to access the city centre during the Christmas markets operation. The absence of this ability increases the distance people living with disabilities/impairments have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible during footstreet hours.</p> <p>Allowing blue badge holders' vehicles into the pedestrianised area would however have negative impacts for mothers, fathers and carers of young children as these groups tend to benefit from significant reductions in motorised traffic during pedestrianised hours, providing a safer environment for young children.</p>		Positive - medium
Race	No differential impacts identified	Neutral	
Religion and belief	<p>The proposals have been identified as having a mixed impact on access to places of worship in the footstreet area for people who live with reduced mobility or a disability and have a blue badge.</p> <p>The key considerations (both positive and negative) are as those described above for older people and people living with a disability and apply to access to the St Sampson's Centre (Church Street), The Holy Trinity Church (Goodramgate), St Helen's Church (Stonegate), and St Martin le Grand (Coney Street).</p>	Mixed: Positive and Negative	Medium
Sexual orientation	No differential impacts identified	Neutral	

Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.	Mixed: Positive and Negative	Mixed: Positive and Negative
Low income groups	No differential impacts identified	Neutral	
Veterans, Armed Forces Community	No differential impacts identified	Neutral	
Other	Not applicable	n/a	n/a
Impact on human rights:			
List any human rights impacted.	<p>The Convention rights applicable are:</p> <ul style="list-style-type: none"> Article 2 - protects the right to life. In this case, its applicability relates to the requirement placed on the Government to take appropriate measures to safeguard life by making laws to protect people. Public authorities should also consider the right to life when making decisions that might put people in danger or that affect their life expectancy. Excluding of vehicular traffic will serve to protect the right to life by reducing risk associated with terrorism attack 	<p>Mixed: Positive and Negative</p> <p>Positive (Article 2)</p>	<p>Mixed: Positive and Negative</p> <p>High</p>

	<p>Should blue badge access be allowed to access the area, the risk profile is elevated in terms of right to life and potential threat to this.</p> <p>In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim.</p>		
--	--	--	--

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

High impact (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
Medium impact (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
Low impact (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
	<p>By restricting blue badge access during the extended hours, it will reduce the number of vehicles in the pedestrianised streets. This changes the risk profile in two aspects.</p> <ul style="list-style-type: none"> • The intrinsic risk of vehicles in an area that there is a public expectation of no vehicles in, as it is otherwise pedestrianised, does increase the risk of accidents between pedestrians and vehicles. This risk could be mitigated by ensuring that access is limited to those streets that blue badge holders previously had access to. This risk can also be further mitigated by removing the access for the busiest hours and events. • The presence of additional vehicles in the blue badge area means they can be used anywhere in the secure zone as a weapon, not necessarily by their owner nor have anything to do with a legitimate Blue Badge holder. This risk could be reduced with the adoption of robust access management protocols, counter terrorism training of relevant staff permitting access, and the restriction of onward travel/ movement within the protected area. Whilst we will maintain robust access management protocol, security teams will still use disability awareness and common sense with regards to access of blue badge spaces.

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
	<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>
	<p>- Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance equality or to foster good relations.</p> <p>- Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty</p> <p>- Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.</p> <p>Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p>
Option selected	Conclusions/justification
Continue with the proposal	<p>In making a decision the council must be able to have considered that the decision is a proportionate means of achieving a legitimate aim.</p> <p>As presented above and in the main report, the decision has to balance:</p> <ul style="list-style-type: none"> • Allowing Blue Badge access to pedestrianised streets within the hostile vehicle mitigation measures making areas of the city centre accessible to

	<p>those completely excluded and more accessible to others who were affected by the changes</p> <ul style="list-style-type: none"> • Public safety and avoid danger to persons in areas of high footfall, supporting the implementation of hostile vehicle mitigation measures to reduce the risk of a vehicle as a weapon attack; • The level of conflict between vehicles and pedestrians in the footstreets, particularly in busy periods;
--	---

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Balancing of competing needs to arrive at optimal ongoing approach to access.	If option to allow blue badge access is progressed, monitor usage over the 2025 period to inform future decisions.	Transport service	By January 2025

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<p>The impacts of the proposal will continue to be monitored through the following activities:</p> <ul style="list-style-type: none">• Ongoing liaison with blue badge holders;• Ongoing consultation and liaison with communities of interest;• Continuous review of the impact of highway measures, changes to government guidance, and compliance with equalities; guidance, and implement any mitigations

This page is intentionally left blank

Annex C: Previous Consultation Analysis

- 1 To inform the decision in October 2023 to review the removal of Blue Badge Holders' vehicular access the Executive requested an initial consultation on the principles of permitting Blue Badge vehicular access within the Hostile Vehicle Mitigation measures.
2. The 2023 October Executive report detailed the consultation responses. In summary, the total number of responses was 3,126 with approximately 500 paper copies received.
3. The principles and levels of support were as follows:

Principle 1 – Return to previous access – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council's decision of November 2021 to make them permanent.

83% Agree, 12% Disagree, 5% Don't know

Total responses = 2867

Principle 2 – City centre events – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).

61% Agree, 32% Disagree, 7% Don't know,

Total responses = 2870

Principle 3 – Recognising Security Risks – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004.

88% Agree, 7% Disagree, 5% Don't know

Total responses = 2866

Principle 4 - Finding solutions – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this

90% Agree, 5% Disagree, 4% Don't know

Total responses = 2858

Principle 5 - Longer term improvements – The Council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy
89% Agree, 4% Disagree, 7% Don't know
Total responses = 2861

4. There were 1223 detailed comments many of which contain personal data, but 188 provided a personal experience because of the restrictions, 125 provide suggestions on how things can be improved. (access and general ideas), 93 commented on the consultation (81 negative).
5. Due to the way the comments were provided using freetext we could identify the following groups:
 - Unknown = 754 (unable to identify)
 - Disabled = 319
 - Elderly = 12
 - Business = 7
 - Family = 2
6. Comments for disagreeing with Principle 1 came from businesses, people who felt the streets would become unsafe and those who either thought the whole of the city centre would be opening up and not enough information to be able to make a decision
7. Although the majority agreed with principle 2 (and the requirement for restrictions for some city centre events) there were more comments against this principle than there were for it.
8. Most responses were in favour of principle 3, however there was concern that the Anti-Terror Traffic Regulation Order could be used to close the city centre whenever the Council decided it wanted to.
9. A small number of comments were around deliberately delaying tactics to give the Council time to find excuses to change its mind on the commitment to reverse the ban.
10. This shows strong support for the principles. 61% supported the principle "Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets)." and 32% did not support this principle.