

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

## **City Centre Access - Security Measures – update including tender return**

### **Summary**

1. In November 2021, the Executive made the decision to remove as many vehicles as possible from accessing the footstreets during pedestrianised hours, following Police Counter Terrorism advice. Advice provided can be found in Annex A, with most recent advice from Counter Terrorism Policing in Annex B.
2. At the Executive meeting in January 2022, a number of recommendations were approved, including the confirmation that the Hostile Vehicle Mitigation measures should be installed at the perimeter of the new extended geography of the footstreets area. This allowed the detailed design, which is contained in Annex C to N, to be completed and the procurement of the Hostile Vehicle Measures ('the Scheme') to commence.
3. This report provides an update on the procurement of the Scheme. The proposed Scheme has recently been tendered and a price has been returned on 1st August, following a request for an extension of time by the contractor.
4. Recommendations are made concerning the available budget and for awarding the contract. The submitted bid along with associated costs represents a cost differential of £1.750M on the approved budget.
5. Part of the tender quality evaluation was to assess the time it would take to install the measures. Contractors were asked to install as much of the Scheme as possible before the Christmas 2022 moratorium on roadworks, which begins in late November.

6. The indicative programme of construction of the bollards is expected to take place in January to April 2023, commencing immediately after the Christmas break, due to the lead-in time for the manufacture of these and the utility diversions.

## **Recommendations**

7. The Executive are recommended to:
  - 1) Note the general progress on the HVM Scheme.
  - 2) Delegate to the Director of Transport, Environment and Planning (in consultation with the Director of Governance or her delegated officers) the authority to accept the tender based on the evaluation criteria and to take such steps as are necessary to award and enter into the resulting contract.
  - 3) Note that the tender received was in excess of the available budget and approve an additional £1,750K to be funded by bringing forward funds from the 2026/27 Highways Maintenance capital programme to enable award of the contract and to meet the forecast for inflation and the utilities costs.

Reason: To enable the contract to be awarded in order to commence work to carry out advice received by Police and Security services to protect the city centre from a vehicle borne terrorist attack.

## **Background**

8. The Government have laid out proposals for new counter terrorism “Protect Duty” legislation which will apply to large organisations, including local authorities responsible for public venues and public spaces, eg. public parks, beaches, thoroughfares, squares and pedestrianised areas. Owners and operators of these locations will be required to consider terrorist threat, assess the risk and consider and implement protective security and preparedness measures. This new legislation is due to be in place in 2023.
9. In 2018, the Council received advice from North Yorkshire Police and the Counter Terrorism Unit that it needed to consider new measures to reduce the risk of a vehicle as weapon attack in the footstreets,

particularly considering York's historic and narrow streets and high number of people visiting the city centre.

10. Particular vulnerabilities were identified in relation to the areas which host some of the city's largest seasonal events and were based on the targeting of similar events across Europe by terrorists. Risk Assessments have taken place annually through the multi-agency York Protect and Prepare Group convened under Safer York Partnership to drive forward an action plan to mitigate the threat of terrorism through local delivery of the Government's CONTEST strategy.
11. The advice seeks to only allow access within footstreet area for emergency response vehicles and has been reiterated multiple times (see annex a and b ). Executive Members have also received briefings from National Security Advisors and MI5, whilst assessments continue to be reviewed and monitored.
12. At the November 2021 Executive meeting Supt. Mark Khan of North Yorkshire Police strongly supported the proposals due to the current terror risk level from a police perspective and confirmed that advice on anti-terror protection had shifted towards protecting publicly accessible land, with busy footstreets a priority.
13. In response to the counter terrorism advice in 2018, the Council in partnership with Make it York progressed temporary hostile vehicle mitigation measures for significant events in the footstreets.
14. In 2018, Executive authorised the continued use of temporary measures where deemed appropriate and authorised plans for less obtrusive permanent hostile vehicle mitigation measures.
15. At the same meeting, Executive also approved £1.187m of funding for the delivery of security measures, although this was not based upon the cost of the Scheme. It was acknowledged that this was a first phase of the works with the highest priority, with future phases to be determined.
16. In August 2019, Executive approved that the Scheme should be prepared for procurement for the first phase of HVM.
17. During the COVID pandemic, the geography of the footstreets was changed to provide space for social distancing and to create additional space for outdoor hospitality.
18. In October 2020, the Hostile Vehicle Mitigation project was put on hold in response to COVID and recognising that the changed geography of the

footstreets in response to COVID needed to be considered as part of the My City Centre engagement.

19. In November 2020, Executive initiated the formal process to consider making the extended footstreets permanent. £50k of funding was released to explore the feasibility of changing the Scheme to reflect the proposed new geography of extended footstreets as a single phase of Hostile Vehicle Mitigation.
20. In November 2021, following the formal process of statutory consultation, Executive approved the recommendation for the new footstreet geography to be made permanent.
21. In response to the decisions in November 2021, at the Executive meeting in January 2022, a number of decisions were taken relating to the security measures for the city centre. These included:
  - a) Approving the location of the measures at the perimeter of the new permanent footstreet geography.
  - b) An increase in the budget of £500k to a total of £1.832M to reflect the estimated cost of construction at that time.
  - c) Delegated authority to the Director of Environment, Transport and Planning to proceed with procurement of the Scheme and award a contract. However, as additional budget is required this needs to be considered by the Executive.
22. Given the current economic climate and the impact of any inflation rise, following advice from the Council's procurement officers, the contract has been drafted to proactively manage the inflationary risk by linking it to published national indices rather than a contractor's estimate.

## **Tender Return**

23. The detailed design for the Scheme was completed in early June 2022 and tenders were then invited soon after. One tender was received for the Scheme in August 2022 and the tender evaluation process has been completed considering both quality and cost.
24. The current capital budget available for the whole project including inflation pressures, all project management costs, fees and utility diversions is £1,691k, of which £1,536k is currently uncommitted. The

price received for the works element shows that there is insufficient budget available. Utilities costs for diversion and protection of apparatus are currently estimated at £146k with potentially significant estimates being outstanding. A further £1.750M contribution is required in order to award the contract and further funding may be needed to cover inflation and the utilities costs.

25. There are a number of reasons for this:

- a) Technical reports from cost consultants confirm that the increased cost of steel and concrete, along with cost of living pressures and general inflation in the UK economy is driving the cost of construction up.
- b) The detailed design stage identified new products that better meet the assessment of risk at the specific locations in York and are reflected in the procurement.
- c) Despite every effort to design the scheme to avoid impacting utilities apparatus, some work to relocate and protect infrastructure is required, proposals and detailed costs for these works are being determined now that detailed design is complete.

26. The capital cost will include five years servicing and maintenance that is designed to ensure maximum functionality, reduce down time and inconvenience to users and to extend the life of the measures. This will also extend the warranty from 12 months to 24 months.

27. Whilst the detailed design is complete, work is on-going with the utilities companies to determine the alterations required to their apparatus to facilitate the proposals. All locations except one are affected, meaning that works can begin after Christmas 2022.

28. The Traffic Signals Asset Renewal scheme at the Parliament Street/Piccadilly junction will need to be coordinated with this scheme. There is an impact on the signals apparatus, including the requirement for a new controller to operate the sliding bollards alongside the traffic signals.

29. A communications plan is being developed to build upon the previous engagement with businesses and residents of the footstreets. This will ensure that users of the city centre are aware of the Scheme and how the construction programme will affect their normal access

arrangements. All residents and businesses directly affected by the works will be contacted and every effort made to reduce any impact whilst delivering the project as efficiently as possible.

30. The procedures and protocols for the access arrangements are being finalised following the confirmation of the removal of the majority of the exemptions that historically permitted access.

### **Temporary Measures for Christmas 2022**

31. Temporary security measures will still be required for the Christmas period this year.
32. Last year the barriers cost circa £36k and the staffing cost £36k. At the July Executive funding for this temporary security was approved, managed within existing transport budgets.
33. Work has begun with MIY to coordinate proactive communications and engagement with affected businesses, outlining extent and operation of temporary measures, increased training for staff manning the barriers and most suitable access arrangements to support people navigating the new measures.
34. The Protect Duty would mean that in the absence of permanent protective security measures, there would be a need to provide temporary measures to protect all major events taking place in the city centre footstreets, or to scale back these events in the interests of public safety.

### **Analysis**

35. Tenders were invited on 20 June 2022.
36. One tender was received.
37. The provisional programme that has been submitted suggests that some preliminary works may be possible the major construction will commence in January with completion in April.
38. Before the Director of Environment, Transport and Planning awards the contract as per the recommendation further work from cost consultants to validate that the tender prices presents value for money to the council has been instructed.

## Council Plan

This report is supportive of the following outcomes in the Council Plan:

- creating homes and world-class infrastructure
- safe communities and culture for all
- open and effective council

## Implications

### Financial Implications

39. The Scheme has a capital budget of £1,691k of which £1,536k remains uncommitted. The headline costs of the scheme are estimated as follows

	£'000
Spend and commitments to date	155
Tender & Associated Works	2,837
Estimated utility costs	259
Fees and Client Costs	190
<b>Total Cost</b>	<b>3,441</b>

40. The cost of £3,441k is £1,750k above the current budget. It is proposed that this is funded by bringing forward £1,750k from the Highways Maintenance capital programme which currently totals £40m over 5 years. This would not affect the delivery of the 2022/23 highways schemes but would reduce budgets over the period 2023/24 to 2026/27. A review of the highways maintenance capital programme and required funding levels will then be undertaken as part of the 2023/24 budget process to consider future years requirements.

41. The estimated one-off £80k cost of temporary security measures for Christmas 2022 will be met from existing transport budgets.

### Human Resources

42. There are no human resources implications.

### One Planet Council / Equalities

43. An equalities impact assessment has been undertaken for the proposed Scheme and was included in the January 2022 report. The Council has

taken account of the Public Sector Equality Duty under Section 149 of the Equality Act 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).

## **Legal and Procurement Implications**

44. The Government confirmed in the Queen's Speech on 10 May 2022 that new counter terrorism "Protect Duty" legislation will become law in the next session of Parliament. The legislation will extend and apply across the UK and will require organisations, including Local Authorities, to take measures to protect the public from terrorist attacks. The main elements of the draft bill are:
  - Establishing a new requirements framework which requires those in control of certain public locations and venues to consider the threat from terrorism and implement appropriate and proportionate mitigation measures
45. Delivering an inspection and enforcement regime, which will seek to educate, advise, and ensure compliance with the Protect Duty.
46. The indications are that the deadline to reach minimum compliance could be May to November 2023.
47. A competitive procurement process has been carried out in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015. One tender was received on 01 August 2022 and this has been evaluated in accordance with the evaluation criteria. Legal Services and the Procurement Team have been involved throughout the preparatory period to provide both legal and commercial advice. Inflationary pressures on materials and issues with supply chains are a big concern for bidders at the moment with the events of the past two years and we have sought to manage this risk in the contract whilst being commercially realistic.
48. The Police have a power to request, and the Council an obligation to implement any anti terrorism traffic regulation order which may inhibit any vehicle access to an area.



## **Crime and Disorder**

49. The Scheme is primarily to protect crowded spaces in the core city centre from vehicle as a weapon attack. The security advice referenced above and found in annex a and b confirms the importance of this project, and the security services confirm the proposals are proportionate to the current risk.
50. The measures will also manage access to the city centre by effectively preventing vehicles from driving in the area, in contravention of the traffic orders, except where specifically permitted to do so.

## **Risk Management**

51. The scheme is in response to managing the risk of a terrorist attack as advised by the Police and Security Services.
52. In compliance with the council's risk management strategy a risk register is maintained for the project. The main risks concerning utility diversions remain and could lead to delay and increased Scheme costs. The risks are being managed to reduce these as far as possible but work with the utility companies is on-going whilst planning to begin construction as soon as practically possible.

## **Annexes**

- Annex A - Previous Police advice
- Annex B – Latest Police advice
- Annex C – HVM overview map
- Annex D – Parliament Street detail
- Annex E – High Ousegate detail
- Annex F – Lendal detail
- Annex G – Blake Street detail
- Annex H – Colliergate detail
- Annex I – The Shambles detail
- Annex J – Goodramgate detail
- Annex K – Coppergate detail
- Annex L – Minster Gate detail
- Annex M – St Andrewgate detail
- Annex N – High Petergate detail

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**Report**  **Date** 10/08/2022  
**Approved**

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**Wards Affected:**

Guildhall

**For further information please contact the author of the report**

**Background Papers:**

Executive Report – November 2021, January 2022  
Executive Member for Transport Decision Session – March 2022

**List of Abbreviations Used in this Report**

CYC – City of York Council  
HVM – Hostile Vehicle Mitigation