

<b>Meeting:</b>	Executive Meeting
<b>Meeting date:</b>	7 October 2025
<b>Report of:</b>	Garry Taylor, Director of City Development
<b>Portfolio of:</b>	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 (13<sup>th</sup> November to 21<sup>st</sup> 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 10<sup>th</sup> 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.

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<b>Date:</b>	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>