



Meeting: Executive Meeting
Meeting date: 4 November 2025
Report of: Garry Taylor, Director of City Development
Portfolio of: Councillor Claire Douglas, Leader of the Council

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

Subject of Report

1. In September, the Council received a formal recommendation from the Chief Constable of North Yorkshire Police (NYP), that the authority implement a temporary Anti-Terrorism Traffic Regulation Order (ATTRO) for the 2025 Christmas Market, which is operated by Make it York (MiY). The effect of the ATTRO would be to exclude vehicle movements from the whole of the protected area within the city centre Hostile Vehicle Measures (HVM). The ATTRO was recommended in order to facilitate public safety.
2. The making and implementation of the ATTRO is formally the legal responsibility of the Council and includes the theoretical discretion to not implement the ATTRO, although such an approach would be a nationally unprecedented and extremely high-risk. In reality, once presented with an ATTRO recommendation from the Chief Constable, the Council's options become extremely limited. Notwithstanding that the operation of the ATTRO is the Council's legal responsibility, any deviation from North Yorkshire Police's preferred position (an absolute prohibition on all vehicle movements within the area protected by the HVM except for 'blue light' services attending emergency incidents) can only be implemented with their consent, should the Council wish to avoid either corporate or direct personal responsibility in the event of a terrorist incident.

3. The ATTRO provides the Council with delegated powers from the Chief Constable of Police to operate the ATTRO, in accordance with a scheme of operation agreed with North Yorkshire Police. North Yorkshire Police are, therefore, a key partner in the safe and orderly operation of the event, and the continued operation of the event is reliant upon their approval of the proposed mitigation measures. In the event that North Yorkshire Police is not satisfied with any mitigation measures proposed, it is at liberty to withdraw the delegated powers mentioned above and thereby enforce the ATTRO as an absolute prohibition of vehicles.
4. At October's Executive meeting, following receipt of the Chief Constable's recommendation, Executive agreed to make the ATTRO, and to consider at the earliest opportunity a further report with a full assessment of the need, risk, and risk mitigation of the various forms of vehicular access previously permitted to the Christmas Market. This report and annexes form that assessment, and its recommendations aim to support the detailed operation of the Christmas Market.

Benefits and Challenges

5. The decisions before Executive in this report relate to the necessary next steps to implement, and for the detailed operation of, the scheme; these details have been agreed with North Yorkshire Police. This includes the access approach for individual types of vehicular access which have been permitted in the Christmas Market area in previous years of its operations, and associated operational protocols, and mitigation measures. These forms of access include vehicular access for emergency services, businesses and community services, residents, statutory and public sector services including waste removal, Blue Badge holders, and utilities and business support services.
6. In high level terms, preventing vehicular access to the protected area within the HVM during busy events such as the Christmas Market will have the key benefit (with the HVM in place) of improving public safety and protection from specific acts of terrorism during the events. However, it will also present significant challenges for individuals (including users with protected characteristics under the Equality Act 2010) in terms of accessing shops and services, for businesses in providing goods and

services at an exceptionally busy time of year, and for public bodies and statutory services in enabling a safe, attractive and compliant city centre environment.

7. Detailed mitigations and operating protocols in respect of individual types of vehicular access through the HVM can have the effect of both reducing the likelihood of public safety impacts from permitting vehicular access and mitigating the adverse impacts of excluding vehicular access. A range of these mitigations and operating protocols are explored in this report.

Policy Basis for Decision

8. 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.
9. 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.”
10. In making the ATTRO, the Executive was asked to consider both the ‘absolute’ right to life and the ‘qualified’ protection from discrimination. This relates to the legal distinctions contained in the Human Rights Act 1998 in relation to the Articles contained in [Schedule 1](#) to that Act. In brief, some rights (called Absolute rights), can never be restricted. These include Articles 3 (the right not to suffer torture), 4 (the right not to be subject to slavery), and 7 (there shall be no punishment without law).
11. The remaining rights (called Restricted rights) may be restricted, but only to protect the rights of others. These are divided into Limited rights (such as Article 2, the right to life, which can only be restricted through operation of a legal sentence following conviction, or *“the use of force which is no more than absolutely*

necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or (c) in action lawfully taken for the purpose of quelling a riot or insurrection”) and Qualified rights to protection from discrimination (such as Article 8, the right to respect for private and family life, which may be interfered with by a public authority “... in accordance with the law and [where] necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”)

12. The Human Rights Act 1998 does not provide an order of precedence for the operation of the various rights set out in the Schedule (including rights to protection from discrimination); however, it is clear from the above that the Council cannot proactively choose to interfere with Article 2 rights, but can proactively choose to interfere with Articles 8 and 11 (the right to freedom of assembly and association) should it conclude that interference is proportionate to achieving the legitimate aims of protecting the rights and freedoms of others. It is clear that the Chief Constable has carried out that balancing exercise in making his recommendation.
13. The Executive will now need to make a proportionate decision on the detailed implementation of the ATTRO, having regard to all impacts, to reach a balanced decision, including the Council’s responsibilities under the Human Rights Act 1998 and the Public Sector Equalities Duty (PSED). The Executive should, however, give significant weight in that exercise to the Chief Constable’s recommendation; whilst the Chief Constable’s recommendation is not determinative of the issue, the Executive would need extremely compelling alternative factors to outweigh that recommendation. Such factors do not appear to apply here.
14. The Council’s 10-year Economic Vision seeks to promote a vibrant and resilient city centre economy, supporting the city’s strong independent businesses, and promoting inclusive growth. The strategy recognises the importance of events within the city centre economy, and their role in supporting businesses and the visitor economy.

Financial Strategy Implications

15. The approach of fully excluding all vehicles from the protected area within the HVM would rely on the existing HVM and standard operational procedures and requires no additional infrastructure or security resources. Alternative approaches would result in additional infrastructure, operational and staffing costs for which there is no Council budget available. However, not allowing essential services to access the city centre could also result in additional costs for the Council, including potential claims against the Council.
16. Risk Mitigations and Operating Protocols to allow the identified essential services into the centre will incur additional costs (staffing, infrastructure, statutory process etc), and these are currently estimated at £94k. Impact mitigation measures for affected users including Blue Badge holders would also incur additional costs, currently estimated at £8k. If Executive was to decide to implement these approaches, MiY, who organises the event, would be expected to meet the additional costs associated with risk mitigations and operating protocols, through the event's operation and reserves.
17. 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,to%20be%20%C2%A3171.8%20million>

Recommendation and Reasons

18. Following the decision at October 2025 Executive to make the ATTRO on the recommendation of the Chief Constable of NYP, Executive is recommended to:

- i. Agree the publication and implementation of the York (City Centre) (Anti-Terrorism Temporary Traffic Restrictions) Order 2025 (Annex A & B to report).
- ii. Note the risk assessment at Annex C of the report and agree the operational protocols to the scheme summarised at paragraphs 31-36, and included at confidential Annex D to the report, and the approach to excluding vehicular access set out at paragraphs 37-42 of the report. Agree that any minor amendments to the arrangements be delegated to the Director of City Development (in consultation with the Leader) to agree with North Yorkshire Police.
- iii. Agree the risk and impact mitigation package summarised at paragraphs 31-42, and (in respect of risk mitigation measures) included at confidential Annex D of the report.
- iv. Approve a temporary change of the Council's policy on vehicle clamping and removals to enable the removal of vehicles parked in the protected area, within the HVM, during event hours after a Penalty Charge Notice (PCN) has been issued (as waiting and loading will be temporarily suspended), in accordance with the statutory guidance for local authorities in England on civil enforcement of parking contraventions.
- v. Acknowledge the forecast additional costs of £102k to support the recommendations ii and iii, and to seek to recover these costs (except where they relate to discretionary impact mitigation measures) from event operator Make it York.
- vi. Agree to receive a future report early in 2026 reviewing the strategic case for, and ongoing delivery arrangements associated with, the Christmas Market and other significant footfall city centre events.

Reason

- vii. Having agreed to make the ATTRO in October's Executive meeting, Executive must identify an approach to implementing the ATTRO which is reasonable and proportionate having fully considered all relevant matters, with all associated activity funded and deliverable. A further report reviewing the case for, and delivery arrangements associated with, the York Christmas Market and other largescale city centre events will allow for strategic city decision making around these future events.

Background

19. The York Christmas Market is organised by Make it York (MiY). They prepare the event safety plans and risk assessments and are responsible for the event. Historically, a Temporary Traffic Regulation Order (TTRO) has extended pedestrianised (foot street) hours between the hours of 5pm and 7pm during the Christmas Market period and the Hostile Vehicle Mitigation measures have operated to this extended time. The number of people visiting the city significantly increases during the Christmas Market.
20. 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. An ATTRO is a counter terrorism measure enabling road traffic legislation to be applied for anti-terrorism purposes. The Chief Constable recommended that a traffic order be put in place by the Traffic Authority under S.14 and 22C of the Road Traffic Regulation Act 1984, for the purpose of:
 - Avoiding or reducing, or reducing the likelihood of, danger connected with terrorism; or
 - Preventing or reducing damage connected with terrorism
21. In October 2025, the Executive agreed to making the ATTRO, and since this time additional discussion and assessment of risk, risk mitigation and operating procedures (including impact mitigation) has taken place between Council Officers and counter terrorism partners. The outcomes of this process are set out in this report and Annexes, and relevant provisions made in the York (City Centre) (Anti-Terrorism Temporary Traffic Restrictions) Order 2025 at Annex A & B. Ultimately the implementation and operation of the ATTRO is the responsibility of the Council.
22. A key change from the original September NYP ATTRO recommendation has been the agreement to delay the commencement of the Christmas Market, and therefore vehicular restrictions through the HVM from 10.00am as originally proposed to 10.30am. This agreement has significantly reduced the adverse impacts of the order on communities and businesses for whom vehicle movements would have been prevented within the protected area within the HVM at this important time of day, and

will also provide a longer period in the morning before the commencement of the Christmas Market, for residents and communities to access city centre shops and services.

23. Further discussions have also taken place around the ability to remove parked and unattended vehicles from within the protected area within the HVM during event hours, in order to reduce the threat to public safety that these may pose. A temporary waiting and loading ban will be implemented in the HVM area during event hours, enabling the Council to remove vehicles from the public highway from 10.30am, following the serving of a Penalty Charge Notice. A visual sweep of the protected area within the HVM will take place prior to the commencement of the ATTRO each morning, with drivers reminded of the operating hours and instructed to leave before 10.30am. Vehicles remaining in the area after 10.30am will be towed by a specialist contractor on behalf of the Council.
24. To support the removal of parked and unattended vehicles which remain in the protected area within the HVM during the event, in contravention with the temporary waiting and loading ban, the Executive is asked to approve a temporary change of the Council's vehicle clamping and removal policy. This change will only apply to the protected area within the HVM, and only for the duration of the event, when the temporary waiting and loading ban is in place.
25. Under the Council's current clamping and removal policy, incorrectly parked vehicles may be clamped and removed when 3 PCNs have been issued in the previous 6 months, and those PCNs have not been paid, or have been cancelled following a successful challenge. If a vehicle has been clamped for at least 24 hours, or it is causing an obstruction, it may be removed and taken to storage facilities.
26. The Executive is asked to approve a temporary change of policy for the event to enable the removal of vehicles parked in the HVM area during event hours after a PCN has been issued (as waiting and loading will be temporarily suspended) and in accordance with the Statutory guidance for local authorities in England on civil enforcement of parking contraventions (available here: <https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions>)

27. In previous years of operation of the Christmas Market there has been a range of forms of vehicular movements permitted through the HVM into and out of the protected area during the Market's operating hours. These could all be excluded under the ATTRO. Some of these forms of access are essential to the safe and orderly operation of the Christmas Market itself and of the city centre. Emergency vehicles on blue lights are automatically permitted under the terms of the ATTRO. These other forms of vehicular access are set out below:
- i. Council waste collection and bin emptying vehicles.
 - ii. Council street cleansing vehicles.
 - iii. Council gritting vehicles.
 - iv. Council highways maintenance and urgent/emergency repair works.
 - v. Blue Badge holders (previously allowed vehicular access on the Goodramgate-Colliergate corridor between 5 and 7pm for the 2024 Christmas Market).
 - vi. Emergency utilities and works.
 - vii. Royal Mail collection vehicles.
 - viii. Boots Medical pharmacy delivery vehicles.
 - ix. Shambles Market Traders (previously allowed access between 5 and 7pm to close their stalls and leave the Market area).
 - x. York BID (Business Improvement District)
 - xi. Towing trucks for illegally parked vehicles.
28. This schedule of vehicular movements, and the associated risks, mitigations and operating protocols has been worked through in detail by CYC officers, working closely with NYP and Counter Terrorism colleagues. The outcome of this work has been to recommend in each case either:
- Outcome 1: Revised operating protocols to remove the need for vehicular access/ movement inside the protected area within the HVM.
 - Outcome 2: Revised operating protocols to reduce and mitigate the risks associated with controlled vehicular movements inside the protected area within the HVM, or;
 - Outcome 3: Unable to support vehicle movements inside the protected area within the HVM, with an associated package of mitigation measures identified for affected users where possible.

Each of these approaches, and the vehicle movement types falling within that category of management are set out in more detail below.

29. Outcome 1. Revising operating protocols to remove the need for vehicular movements inside the protected area within the HVM is the preferred option since it eliminates risks within the protected area but still allows the associated business or social function associated with the vehicle movement to take place. However, this is not possible in all cases due to practical considerations related to the nature of the activity, including security, manual handling considerations, and contract terms of service provision.
30. Of the vehicle movement types listed at paragraph 27, ii) Council street cleansing vehicles, iii) Council gritting vehicles, iv) Council highways maintenance and urgent/ emergency repair work, ix) Shambles Market traders, and x) BID vehicles, have all had alternative operating protocols agreed to manage the associated activity outside of the protected area and foot street hours, and therefore will not pass through the HVM between 10.30am and 7pm.
31. Outcome 2. Practical considerations related to the nature of the activity (including security, manual handling considerations, contract terms of service provision etc) can mean that some vehicle movements cannot be fully excluded from the protected area within the HVM. Where a strategic need exists around the vehicle movement, risk assessment, and identification of mitigation measures and controlled access protocols has taken place, working closely with NYP and Counter Terrorism colleagues. This is with the aim of permitting tightly controlled access to be managed by the Council under the delegated operation of the ATTRO, with agreed protocols and risk mitigations in place. For the following vehicle use types listed in paragraphs 32-35, the identified approaches are recommended as being sufficient to manage the associated risk as summarised below, with further detail including risk, mitigation, operations plan, and residual risk details contained in confidential Annex D.
32. Council waste collection and bin emptying vehicles (i) are essential to the safe operation of the city centre, and failure to undertake this activity presents a range of terrorism and public health risks. Enhanced staffing and infrastructure measures have allowed the

need for waste vehicles within the protected area within the HVM to be minimised, and enhanced security protocols, risk mitigation and control measures in relation to residual vehicle presence are set out in confidential Annex D.

33. Emergency utilities & works (vi) range in scale and severity of impact, from minor outages in individual properties, to large scale events which can represent a threat to public safety in their own right. Enhanced security protocols, risk mitigation and control measures have been proposed in confidential Annex D, with a tiered response proportionate to the scale and impact of the individual event.
34. Royal Mail collection vehicles (vii) service city centre Post Office facilities and have a strategic role in the business continuity of the city centre. A number of factors fundamentally constrain the company's ability to operate without vehicle access during the extended foot street hours. Universal service obligations and contracted service standards (including next day delivery) constrain the timeframe in which post must be transported. The volumes of mail received, and security and personnel considerations around the transit and storage of high value consignments impact how mail is handled. Contracted staff resource levels also constrain the ability to operate without vehicles. Enhanced security protocols, risk mitigation and control measures in relation to very limited vehicle presence are set out in confidential Annex D.
35. Boots Medical Pharmacy delivery vehicles (xiii) serve highly vulnerable communities including care home residents with essential daily medication, with the volumes and nature of medication meaning that alternative locations to host these services do not exist, and operational constraints precluding any ability to operate outside of the foot streets hours. Enhanced security protocols, risk mitigation and control measures in relation to very limited vehicle presence are set out in confidential Annex D.
36. Towing trucks to remove parked vehicles (xi) are an essential requirement, as set out in the Police's letter recommending the implementation of an ATTRO. Security protocols, risk mitigation and control measures in relation to vehicle presence are set out in confidential Annex D.

37. Outcome 3: As in Outcome 2, where a strategic need for vehicular access to the protected area is identified, and risk assessment, and identification of mitigation measures and controlled access protocols has taken place, working closely with NYP and Counter Terrorism colleagues, there are some instances where sufficient mitigation measures and controlled access protocols are difficult to achieve. in the context of the NYP ATTRO recommendation (and balance of judgement and risk assessment that has been undertaken by the Police in making this recommendation), these movements present a high residual risk profile, and are recommended as too high risk to be able to be supported within the protected area within the HVM, but that mitigations be put in place wherever possible to minimise impacts on users.
38. Blue Badge holders (v) were permitted limited access to the foot streets during the 2024 Christmas Market, using the Goodramgate-Colliergate corridor only, between the hours of 5pm-7pm to access the city centre. In 2024, this was an Executive decision, made on consideration of both the ‘absolute’ right to life and the ‘qualified’ right to protection from discrimination, under Articles 2, 8, and 14 of Schedule 1 of the Human Rights Act 1998 (see further explanation of ‘absolute’ and ‘qualified’ rights at paragraphs 10 and 11) . Neither of these rights take precedence, although a public body can lawfully conclude that other considerations outweigh the equality ones. The Executive will again 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. However, as previously noted in this report, the letter from the Chief Constable recommended that the Council introduce a temporary ATTRO; that balance of judgement and risk assessment has been undertaken by the Police (in respect of their own considerations) prior to making this recommendation, and now represents a seismic change in the balancing exercise.
39. NYP has given their opinion and advice on the risk and risk mitigation in respect of vehicular access for Blue Badge holders. This has been given substantial weight in the risk and risk mitigation assessment in respect of vehicular access for Blue Badge holders that has been undertaken and is provided at Annex C. The advice from NYP is that the control and risk mitigation measures deployable to Blue Badge holders are limited principally by virtue of the volume of potential users (more than 7,000 in the York area alone), the privately owned nature of associated

vehicles, and the fact that a Blue Badge is not linked to a specific vehicle but can instead be used in any vehicle.

For other forms of vehicular access this can be reduced to a very limited number of pre-identified vehicles and/or individuals, and vehicle and operational security measures can be required as a condition of access. These same controls are not achievable in the case of Blue Badge holders, making the managing of risk very challenging. As identified in the risk assessment, a significant level of residual risk of terrorist attack remains, even where limited mitigation measures are identified. In the context of the clear NYP advice, it is recommended that Blue Badge holder access is not permitted during the ATTRO operating hours.

40. A package of mitigation measures is proposed in order to minimise the adverse impacts of this approach on Blue Badge holders. The delaying of the Christmas Market commencement (and proposed ATTRO operating hours) to 10.30am will provide a small amount of additional time for Blue Badge holders to access the city centre. Additional mitigations include:
- The provision of £5k grant funding support to Shopmobility to provide free of charge mobility aid hire for Blue Badge holders accessing the city centre. The support would be structured to incentivise membership of the organisation to provide longer term benefits. The support is equivalent to between 277 and 625 individual equipment hires, dependent on the proportion of beneficiaries who are already scheme members.
 - The provision of additional dedicated Blue Badge parking capacity on Duncombe Place by temporarily changing one loading bay to Blue Badge parking only
 - Advance communication with all registered Blue Badge holders, outlining the measures in place and signposting to resources and support online.
41. Residents within the city centre area (vii), and employees of businesses within the city centre area (viii) have in previous years not been permitted waivers to allow vehicular movement during the foot street hours and, similarly to Blue Badge holders, the number of potential vehicles, and their privately owned nature, makes control and risk mitigation measures limited, and leaves a

significant level of residual risk. In common with previous years, it is recommended that residential and business vehicle users are not permitted access during the ATTRO operating hours. The delaying of the Christmas Market commencement and proposed ATTRO operating hours to 10.30am (from the 10am commencement originally proposed) will provide additional time for residents and employees to pass through the HVM, and to access city centre shops and services at quieter times before the Christmas Market commences. Press releases, and partner and Council updates communicating the implementation and effect of the ATTRO will further help to mitigate any impact on residents and business employees.

42. The range of security measures, mitigations, and revised operating protocols associated with the above approach have a significant cost associated with them in terms of increased staff resource, infrastructure and security apparatus, communications and statutory notices, signage, and grant awards. Some costs such as vehicle towing costs could vary significantly dependent on the extent to which they are required. These costs are additional to the considerable baseline costs of operating the event. A broad cost estimate of up to £102k is allowed for at this stage for these additional costs (of which £94k would be essential additional costs of operating the event, and £8k discretionary impact mitigation measures). If Executive is minded to progress the implementation of the identified approaches, there will need to be acceptance that these costs will be incurred. It is envisioned that these costs will be recovered from the event organiser Make it York, however there is a risk that they will fall on the Council. Discussions are being entered into with Make it York to recover the essential costs.

43. Future Christmas Market and City Centre Events

There are important benefits and impacts surrounding York hosting such a successful Christmas Market.

Benefits: York Christmas Market plays a significant role in underpinning the city's economic resilience, drawing in many people from the city, region and beyond with the significant increases in footfall playing a key role in supporting permanent/ year-round retail and hospitality businesses in the city centre. Increased footfall generates direct revenue for the Council to provide essential services, with significant increases in car parking income. The event is a well-established part of York's visitor draw and plays a large part in the city's tourism identity, generating

global publicity. The event is a significant net generator of income supporting MiY and in turn the Council financially, helping to fund broader cultural, social, and economic activity. No other event in the calendar has capacity to not only pay for itself but generate additional income to cross-subsidise broader activity.

44. Impacts: The Christmas Market does also have significant impacts, intensified through the access restrictions implemented through the ATTRO. This results in important sections of our community being prevented from fully accessing the city centre including shops and services. City centre residents and businesses are impacted, and widespread disruption is caused for local communities, many of whom avoid the city centre at this time. Customer feedback includes strong sentiment around overcrowding, and infrastructure in the centre, whilst supported through additional income, is also placed under pressure. The costs associated with the safe running of the event are also mounting year on year.
45. Accepting the negative impacts of the event, given its significant benefits, including its key role in supporting the city centre economy, retail offer and wider Council and MiY activity, the benefits on balance will likely outweigh the negative impacts.
46. The event could however be improved, and its impacts better mitigated through strategic planning. Whilst already committed to the 2025 Christmas Market and required to respond appropriately to NYP's ATTRO recommendations, there is a need to understand and review its overall negative impacts and positive benefits in more detail, including through engagement with key stakeholders. This will allow us to assess if it is operating in a way that best meets our community's needs, whether this represents the most effective and practical approach operationally, and whether event planning and management arrangements remain robust in an ever-changing operational environment.
47. There are opportunities to align this review with wider strategic workstreams such as the Movement & Place Strategy which will establish a vision for how city spaces are best used and movement and access managed as part of this. There is also the opportunity to review the compatibility of the permanent HVM with the desire to maintain Blue Badge access to the city centre, and subject to funding, consider the provision of additional secondary HVM to

facilitate permanent safe Blue Badge holder access to the city's foot streets during such events.

48. It is proposed that a further report on these matters be brought to Executive in 2026, in order that a preferred way forward be identified and associated plans be put in place in an expedient manner.

Consultation Analysis

49. Previous public consultation on Blue Badge access to the city centre received over 3,000 responses. The findings of this consultation were re-presented at Annex C of the October 2025 Executive report. Dialogue is also maintained with the York Access Forum and other stakeholder groups on an ongoing basis.
50. An ongoing dialogue is also established with NYP, Counter Terrorism Policing, and the Safety Advisory Group who provide a forum for discussing and advising on public safety at events. NYP has reiterated in its most recent advice that the detailed operation of the ATTRO is 'owned' by the Council, but that the approach to the HVM and ATTRO has to be balanced, and whilst restrictive, it needs to be achievable to support business delivery and wider community impacts. Feedback from NYP on the proposed measures is that they feel them to be proportionate and sensible. 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, in a national context, 'an attack is likely'.

Options Analysis and Evidential Basis

51. Having agreed at October Executive to the making of the ATTRO, the finer detail, (and advantages and disadvantages) of how the ATTRO is implemented are set out in detail within this report and annexes. Some of these relate 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 of traffic inside the protected area on groups with protected characteristics under the Equality Act 2010.

52. The detailed risk and operational matters discussed in this report and Appendixes form part of the evidential basis for decision-making for members, alongside the approach, advice, and feedback from NYP. Ultimately, it is for Executive to determine the detailed approach to implementation of the ATTRO on the basis of this information.
53. 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.
54. All previous decision reports have made the decision makers aware that the impact on disabled people who depend on Blue Badge access would be so extreme that they would have difficulty in accessing the pedestrianised streets 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. 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.

Organisational Impact and Implications

- **Financial** The report identifies anticipated additional costs totalling £102k. Discussions are being held with the event organiser to fund the majority of this expenditure with £8k being committed by the council. This will need to be managed within current transport budgets. The Christmas Market provides significant additional revenues to the city and Council.
- **Human Resources (HR)** There are no HR implications contained within this report other than a potential requirement for additional resource. Depending upon the approach taken 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 its 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/publicationdownload/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#mgDocument>, 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 E 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 as set out):

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 foot streets 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 foot streets 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 foot street hours. This means that they have not been able to access the services available in the foot streets.
- Benefit for some disabled users from a reduction in the number of vehicles accessing the foot street 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.

o 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.

o 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).

o 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.

Human rights considerations for allowing vehicular traffic inside the protected area within the HVM during the foot street hours for the Christmas Market period can be summarised as follows:

o 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.

o If a decision is made to enable vehicular access for Blue Badge holders during the extended foot street 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 (foot streets), 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

55. There are a range of risks associated with the decision members must make, and this report seeks to assess these risks (and present the balance of risk of certain approaches) to inform a member decision. 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 increases level of risk.
56. 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.
57. 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 has been undertaken as set out in this report and Appendixes, to inform detailed decision making around operational protocols.

58. As set out in this report, there are also risks associated with the exclusion of operational vehicles from the city, and NYP recognise in their latest advice, the need for a balanced decision making from the Council in this regard. There is also the 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.
59. 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 where its appetite for risk lies on this broad spectrum, when considering the impacts of such restrictions and whether the mitigations are proportionate.

Wards Impacted

60. People affected by this decision who use the city centre live in all wards, but the direct physical impact is only on Guildhall Ward.

Contact details

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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/technicalguidance-public-sector-equality-duty-england\)](https://www.equalityhumanrights.com/en/publication-download/technicalguidance-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-Jun2021%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>

Executive October 2025 - York Christmas Market 2025 - Implementation of Temporary Anti-Terrorism Traffic Regulation Order

<https://democracy.york.gov.uk/documents/s185905/Item%2016%20-%20York%20Christmas%20Market%202025%20-%20Implementation%20of%20Temporary%20Anti-Terrorism%20Traffic%20Regulation.pdf>

Annexes

Annex A: ATTTRO Order

Annex B: ATTRO Notice of Making

Annex C: Recommended Excluded Vehicle Access Risk Assessment

Annex D: Recommended Controlled Vehicle Access Risk Assessment

(Exempt from publication)

Annex E: Equalities Impact Assessment