Committee(s):	Date(s):
Police Committee Planning & Transportation Committee Policy & Resources Committee	12 July 2018 26 July 2018 6 September 2018
Subject: Anti-Terrorism Traffic Regulation Order: 2017 Review	**Public**
Report of: Director of the Built Environment	**For Information**
Report Author: Ian Hughes, Assistant Director (Highways)	

Summary

This report reviews the uses of the City's permanent Anti-Terrorism Traffic Regulation Order (ATTRO) during 2017.

The ATTRO authorises the City Police to potentially control the movement of pedestrians and vehicles on City streets, and was originally requested as part of a package of measures aimed at both improving the security of people in crowded places & preventing damage to buildings from a potential terrorist attack.

Members approved the ATTRO in 2016 on the basis that the City Corporation's area was particularly vulnerable to terrorism due to its highly dense nature and the concentration of high profile, historic, prestigious and financial targets that can be found throughout the Square Mile.

Matters since would suggest this assessment has not changed, albeit the use of the ATTRO to control traffic and pedestrians for anti-terrorist purposes has been limited to a small number of high-profile special events. In that context, the very limited use of the ATTRO would suggest it has been used proportionately and to the minimum extent necessary in order for the Commissioner to better protect the City community.

Recommendation(s)
Members are recommended to receive this report.

Main Report

Background

1. In September and October 2016, the Planning & Transportation Committee (for decision), the Police Committee (for information) and the Policy & Resources Committee (for decision) discussed and agreed to the creation of an Anti-Terrorism Traffic Regulation Order (ATTRO) in the City Corporation area.

2. This was in response to a request from the Commissioner of the City Police in July 2015 to introduce such an order, and followed a statutory public consultation.

3. The Commissioner's request was informed by advice received from his counter-terrorism security advisors, including the Centre for the Protection of National

Infrastructure (CPNI). The advice related to the whole administrative area of the City, and was in the context of the potential impact of terrorism due to the City's intensely crowded nature and its role as a high-profile world centre of economic activity.

4. The ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004, which allows traffic orders to be written by the Traffic Authority under s6, s22C and s22D of the Road Traffic Regulation Act 1984. These orders can only be made on the recommendation of the Commissioner of Police, and are for the purposes of:

    - Avoiding or reducing the likelihood of, or danger connected with, terrorism, or;
    - Preventing or reducing damage connected with terrorism.

5. On the basis of a security assessment or an intelligence threat, the ATTRO gives a City Police Inspector or above the discretion to restrict traffic and / or pedestrians to all or part of any street in the City. That discretion must be exercised in accordance with an agreed protocol so that any interference is proportionate, and that such restrictions are in place for the minimum extent and time necessary.

6. The Commissioner requested the ATTRO be put in place on a permanent basis, but that its use be contingent on it only being used as a proportional counter terrorism response to the needs of an event, incident or item of intelligence.

7. The permanent ATTRO allows the controls to be activated at any time, albeit in accordance with an agreed protocol that reflects the statutory requirements for making such an order. Nevertheless, its permanent nature enables speedier activation of security measures to meet operational requirements given the unpredictability of the current terrorist threat.

8. Members agreed to making the ATTRO on two key conditions, namely that an annual review be presented to Members, and as part of that review, confirm that the ATTRO had been used in a proportionate matter.

Current Position

9. The protocol established for using the ATTRO allowed for two main types of scenario, namely for intelligence-based Police led urgent situations, and secondly for pre-planned special events. In the latter case, the ATTRO would be used by the Police to supplement the City Corporation's event planning process, which would typically have a separate pre-advertised temporary traffic regulation order (TTRO) granted to the organiser to close roads just to facilitate the event. In such circumstances, the ATTRO could be used to authorise additional protective security measures and / or additional road closures that might be determined nearer the event.

10. During 2017, the ATTRO was only used in relation to these event-related circumstances, so a summary of ATTRO uses was included in the annual Special

Events report to Policy & Resources Committee, Culture, Heritage & Libraries Committee and Streets & Walkways Sub Committee in January 2018.

11. However, Members have since requested a stand-alone report on the ATTRO to review its use and impact, with that report now including Police Committee as well.

Security & Special Events

12. In the context of this report, recent events in the UK, Continental Europe and the United States have highlighted the vulnerability of crowded spaces to terrorist attack. With incidents such as the Boston Marathon bombing, the Nice Bastille Day lorry attack and the Manchester bomb, special events and event venues have also been recognised as being particularly at risk.

13. A recent study suggested that 50% of people may now be influenced by security when deciding whether to attend an event, concert or festival, suggesting there is a public expectation that events will be protected in some way. As a result, the City Corporation is working at a strategic and operational level with the GLA, Westminster, TfL, the City Police, the Metropolitan Police and other security agencies to develop a consistent and proportionate approach; to reassure & protect the public and participants without impeding the look & feel of an event.

14. This has led to a new assessment process for the largest high-profile events where mass participation, large spectator numbers, TV coverage and iconic locations combine to create a higher than usual threat level. This process involves the appropriate police force appointing a Security Coordinator to make recommendations to the event organiser on how to best mitigate that threat, and in certain circumstances, to consider requesting the City Corporation to authorise measures to control traffic and pedestrians for counter terrorism purposes under the permanent ATTRO.

15. In 2017, the Town Clerk was requested by Commissioner of Police to authorise the use of the permanent ATTRO on six separate occasions, each in relation to a particular special event. All six requests were agreed, and further details on each event are contained in Appendix 2. However, in summary, those events were:

    - The 2016 New Year's Eve celebration
    - The funeral of PC Keith Palmer at Southwark Cathedral (11 April)
    - The IAAF Marathon event (6 August)
    - The 2017 Lord Mayor's Show & Fireworks (11 November)
    - Grenfell Tower Memorial Service at St Paul's Cathedral (14 December)
    - The 2017 New Year's Eve celebration

    (Note: At the time of writing this report, no further requests to use the City's ATTRO have been made since New Year's Eve.)

16. On four of those occasions (New Year's Eve (twice), PC Keith Palmer's funeral and the IAAF marathon), operations were led by the Metropolitan Police, and the City's ATTRO was used in parallel to similar measures requested and implemented by the Met Police outside the Square Mile.

17. As described above, the ATTRO potentially gave the City Police the authority to control traffic and pedestrians for counter terrorism purposes at each of these events, but in practice, these ATTRO powers were used sparingly, and in general had no noticeable impact on the public.

18. For each of the events listed above, the overarching City Corporation TTRO in place to facilitate the event allowed the restriction of traffic and was in keeping with the advance warning notices about the extent of the event footprint. In terms of public impact, the only noticeable change in stance was the use of 'hard' measures to prevent vehicle incursion within the ATTRO footprint, such as those seen around the Lord Mayor's Show.

19. The small number of ATTRO requests in 2017 and their limited consequential impact would suggest they were used proportionately, and that a fair balance was struck between the public interest and an individual's rights. No single use of the ATTRO exceeded 48 hours which would have triggered a review by the Town Clerk & Commissioner, and in fact none of the ATTRO uses in 2017 lasted more than 12 hours.

20. In addition, the Department of the Built Environment (who is responsible for both writing the ATTRO and for authorising on-street special events) did not receive, nor was made aware of, any complaints, traffic disruption or human rights infringements specifically deriving from the use of the ATTRO for any of these events.

21. Finally, to reiterate, the permanent City ATTRO was not used at any point in 2017 to implement controls as a result of intelligence-based Police led urgent situations. Its use was carefully balanced with the need to facilitate public events, and to give the City of London Police the ability to respond quickly to an emerging terrorist threat. Ultimately the use of the ATTRO was to provide enhanced protection and reassurance to the public.

Corporate & Strategic Implications

22. Counter Terrorism is a tier one threat against our country as per the National Strategic Policing Requirements. Nationally and locally, there is quite rightly a strong expectation that the threat against terrorism is met by an appropriate and proportionate response by the police and our partners.

23. The Government's Contest Strategy aims to reduce the risk to the UK and its interests overseas from terrorism, so people can go about their daily lives freely and with confidence. The City of London Police, part of the London counter terrorism region, supports the Contest Strategy through the four P's approach of Pursue, Prevent, Protect and Prepare. Protective Security as a theme, and therefore the ATTRO, fits firmly under Protect element of the Government's Contest Strategy.

24. The City of London Policing Plan for 2017-20 has a mission statement aiming to 'maintain the City of London as one of the safest places in the country'. The plan states 'the threat from extremism remains high and is becoming more diverse and

complex in how it is manifested'. In addition, the Corporation of London's Corporate Plan 2018-2023 states an ambition that 'people are safe and feel safe'.

25. The City of London's historical, cultural and economic importance means it will always be an attractive target for those who are intent on causing high profile disruption. By continuing to protect the City of London from terrorism we will continue to protect the UK's interests as a whole. In terms of prevention, the City of London Police plan states 'we will continue to develop different ways to engage and work with partners in a coordinated way to deter, detect and disrupt terrorist activity'.

26. The City of London Local Plan 2015 aims to ensure that the City remains a safe place to live, work and visit. Core Strategic Policy CS3 makes specific provision for implementing measures to enhance the collective security of the City against terrorist threats, applying measures to broad areas, including the City as a whole. The Policy also encourages the development of area-based approaches to implementing security measures.

27. Finally, the risk of terrorist attack remains at the top of the current Corporate Strategic Risk Register because of the City's concentration of high profile, historic, prestigious and financial targets.

28. Otherwise, the legal implications on the use of the ATTRO remain unchanged from the original 2016 report and are repeated in Appendix 1 for reference.

Conclusion

29. Due to the exceptional environment of the Square Mile, the City of London remains particularly vulnerable to terrorist attack. As a result, the City's permanent ATTRO was approved in 2016 as an appropriate measure to enable the Commissioner of Police to more readily and better protect the City community.

30. Given the small number of occasions the ATTRO was used in 2017, and the limited extent to which the police used it to prohibit the movement of traffic and / or pedestrians, the evidence would suggest the ATTRO powers were used proportionately and to the minimum extent necessary in accordance with both the statutory requirements and Members' wishes.

Appendices

- Appendix 1 – ATTRO Legal Considerations
- Appendix 2 – ATTRO Uses in 2017

Ian Hughes
Assistant Director (Highways)
Department of the Built Environment
T: 020 7332 1977
E: ian.hughes@cityoflondon.gov.uk

Appendix 1: ATTRO Legal Considerations

1. Statutory power to make the ATTRO – Sections 6, 22C and 22D of the Road Traffic Regulation Act 1984 (as amended by the Civil Contingencies Act 2004) enables traffic orders to be put in place by the traffic authority for the purposes of avoiding or reducing the likelihood of danger connected with terrorism, or preventing or reducing damage connected with terrorism.

2. Statutory duties of traffic authority - As traffic and highway authority, the City Corporation has the duty to secure the expeditious, convenient and safe movement of traffic (having regard to the effect on amenities) (S122 Road Traffic Regulation Act 1984) and the duty to secure the efficient use of the road network avoiding congestion and disruption (S16 Traffic Management Act 2004). The Schedule to the ATTRO sets out requirements aimed at meeting these duties by ensuring that any restrictions will be the minimum necessary to remove or reduce the danger and are consistent with the statutory requirements for making such Orders. In implementing the ATTRO the traffic impacts of restricting or prohibiting traffic to roads within the City, including, potentially, pedestrian traffic, should be considered. In the event of a threat, the disruption to traffic flow would also have to be weighed against the threat of more severe disruption and greater risk being caused due to failure to prevent an incident.

3. Further controls - The Schedule to the draft ATTRO requires that in most cases at least seven days' notice of any restrictions must be given to persons likely to be affected (unless this is not possible due to urgency or where the giving of notice might itself undermine the reason for activating the ATTRO), and notice must also in any event be given to the City, TfL and other affected traffic authorities.

4. Human Rights and Proportionality - In considering the request for the ATTRO, there is a duty to act in accordance with the European Convention on Human Rights. In relation to possible restriction of access to property, any interference with Article 1 rights to enjoyment of property must be justified. Interference may be regarded as justified where it is lawful, pursues a legitimate purpose, is not discriminatory, and is necessary. It must also strike a fair balance between the public interest and private rights affected (i.e. be proportionate). It is considered that the public interest in being protected by the existence and operation of the ATTRO can outweigh interference with private rights which is likely to occur when restrictions are in operation. The scope of restrictions must be proportionate and should only last until the likelihood of danger or damage is removed or reduced sufficiently in the judgment of a senior police officer. The Schedule to the ATTRO sets out arrangements (further expanded in the Protocol) for ensuring that any interference is proportionate. Given the risks to life and property which could arise if an incident occurred, and the opportunity provided by the ATTRO to remove or reduce the threat of and/or impacts of incidents, it is considered that the ATTRO can be justified and any resulting interference legitimate.

Appendix 2 – ATTRO Uses in 2017

Date	Event	Justification	Impact
31 Dec / 1 Jan	New Year's Eve celebrations	New Year's Eve celebrations impact both the City of London and the wider London area, policed by all three London police forces. Therefore the overall command for the New Year's Eve event in London is the responsibility of the Metropolitan Police Service (MPS), with the City of London taking geographical command. The celebrations in London attract well over 100,000 people, all descending on specific, predictable locations. This report has already highlighted the threat from terrorism and New Year's Eve is a high profile, crowded event. The MPS requested the use of the ATTRO for New Year's Eve to protect the public by ensuring stronger controls were in place to prevent vehicles entering crowded areas. This was not based on specific intelligence but on the current national threat from terrorism, highlighted further by a number of attacks in the UK during 2017.	The ATTRO still facilitated the event and the movement of people and therefore it can be concluded that it had little impact on the members of the public who attended.
11 April	Funeral of PC Keith Palmer at Southwark Cathedral	This ATTRO was also requested by the MPS and complimented by the City of London to ensure the event footprint was protected as per the MPS Gold Commander's Strategic Intentions. The funeral was facilitated for the family and all those affected by the death of PC Palmer and the anticipation of crowds forming to pay their respects to the procession meant the need to consider all protective security measures. The ATTRO enabled the MPS to put in place protective security measures on the roadway to protect the public and also protect the procession. The funeral was high profile and well-advertised.	The policing plan for the funeral enabled the facilitation of the event for the family, those affected and those wishing to pay their respects.

6 August	International Association of Athletics Federations – World Championship Marathon	This particular event is a high-profile sporting fixture played out on the world stage and hosted against the backdrop of historic and iconic London landmarks. The overall command of the event, which spanned both City and Metropolitan police areas, was by the Metropolitan Police. Therefore the request of the use of an ATTRO was made by the Metropolitan Police and supported by the City of London to facilitate the wider protective security plan. The use of hostile vehicle mitigation was proportionate against a range of vulnerability factors and therefore fully rationalised. The ATTRO allowed for greater protection to the public and participants and had no greater impact on traffic movement than the wider TTRO for the event.	The event was successful and both participation and viewing facilitated, with no notable impacts.
11 Nov	Lord Mayor's Show & Fireworks	The area wide TTRO for this event created a wide event footprint that would attract large numbers of people in roadways that (with the exception of the parade) would be traffic free. The event itself is a very predictable one that is televised and annually attracts crowds. This report has already highlighted the terrorist threat picture at the time of the event and the backdrop of several attacks in the UK. The overlaying of an ATTRO on to the TTRO enabled the placement of hard measures in the roadway to prevent vehicle incursion into the areas densely populated with the people.	The ATTRO had very little impact on the event and the public attending. The TTRO prevented traffic from entering the wider footprint and the additional controls in place within the ATTRO area meant some delays as vehicles were checked again before being allowed into the parade area. There was no impact on the walking public.
14 Dec	Grenfell Tower Memorial Service & St Paul's Cathedral	The area around St Paul's Cathedral is ordinarily open to the public. This event was highly publicised, anticipated to attract large numbers of people and had the potential to be very (and understandably) emotionally charged. As part of the policing plan for this event it was considered necessary to implement	The event was successful for all those involved and who attended. The security measures implemented as part of the ATTRO and beyond facilitated a safe

		an ATTRO to provide greater ability to control the movement of pedestrians into the area and to provide suitable mitigation to vehicles. All this control was to mitigate against the national terrorism threat of low sophistication attack methodology.	event and provided that reassurance of safety to the public in attendance.
31 Dec / 1 Jan	New Year's Eve celebrations	As previously described for New Year's Eve, above. Whilst each event is assessed in its own merit and against the current intelligence and threat picture, the rationale for both New Year's Eve celebrations was the same.	The ATTRO still facilitated the event and the movement of people and therefore it can be concluded that it had little impact on the members of the public who attended.