

Committee(s) Police Committee – For information Policy and Resources – For decision Planning and Transportation – For decision	Date: 14/04/2016 14/04/2016 26/04/2016
Subject: Update report – City ATTRO	Public
Report of: Director of the Built Environment	For Decision
Report author: Clarisse Tavin, Project Manager	

Summary

A report to propose a City Anti-Terrorism Traffic Regulation Order (ATTRO) was presented to Planning & Transportation, Police, and Policy & Resources Committees in December 2015 and January 2016.

Members approved the ATTRO in principal and that a public consultation and publication of Notice of the proposal be carried out, subject to further information being presented as follows:

- Members to approve the draft Protocol between the City of London Corporation (“the City Corporation”), the City of London Police and Transport for London (TfL);
- Members to determine whether or not to proceed with the ATTRO following the statutory consultation on the ATTRO;
- An annual review of the ATTRO be presented to Members, and;
- Confirmation that the ATTRO is to be used in a proportionate manner.

Since January 2016, meetings between the City Corporation, the City of London Police and TfL have been held resulting in a draft Protocol being produced in agreement between all three parties (see Appendix 1). The proposed Protocol provides guidance on the processes between the three parties and any other agency that will need to be involved, and seeks to ensure that the ATTRO will be used in a proportionate and appropriate manner. The Protocol also provides information on the use of the ATTRO and the review process, and is to be read in conjunction with the ATTRO including the Schedule (see Appendix 2).

On the basis of the Protocol, approval has been received from TfL to include its roads in the City’s area for which it is the Highway Authority in the ATTRO. The draft ATTRO including the Schedule has therefore been updated to reflect this (see Appendix 2).

Neighbouring boroughs have been approached and informed about the proposed ATTRO. However, at present, it is not proposed to include their boundary roads with the City in the ATTRO (see map in Appendix 3). If it is subsequently agreed to include these roads, the order will be amended accordingly.

Recommendation(s)

Members are asked to:

1. Approve the commencement of the statutory process for making of the proposed ATTRO, subject to the applicable statutory processes;

2. Approve the proposed draft Protocol in Appendix 1;
3. Authorise the Director of the Built Environment or a delegated officer to carry out consultation and publication of Notice of the proposal to make the ATTRO;
4. Note that the outcome of the statutory notice procedures and consultation responses will be reported to the Planning and Transportation and Policy and Resources Committees, for those Committees to determine whether or not to proceed with the ATTRO and/or other next steps;
5. Authorise the Comptroller and City Solicitor or a delegated officer to enter into any necessary agreements under Section 101 of the Local Government Act 1972 with Transport for London to carry out the statutory steps associated with the proposal, notification and making of the ATTRO on TfL roads on their behalf;
6. In the event of any neighbouring traffic authorities agreeing to their boundary roads with the City being included in the ATTRO, (a) authorise the Comptroller and City Solicitor or his delegated officer to enter into any necessary agreements under Section 101 of the Local Government Act 1972 (or other joint working agreements); and (b) authorise the Director of the Built Environment or her delegated officer to amend the ATTRO to include boundary roads with neighbouring traffic authorities, as the relevant traffic authorities may agree (and subject to all necessary statutory processes).

Main Report

Background

1. In July 2015, the Commissioner of City of London Police requested formally that an ATTRO be made by the City Corporation, for the City of London area.
2. Subsequently, the ATTRO report was presented to Planning and Transportation Committee on 15th December 2015, Police and Policy and Resources Committees on 21st January 2016. Members approved the ATTRO in principal subject to the following:
 - Members to approve the draft Protocol between the City of London Corporation, City of London Police and TfL;
 - Members to determine whether or not to proceed with the ATTRO following the statutory consultation on the ATTRO;
 - An annual review of the ATTRO being presented to Members, and;
 - Confirmation that the ATTRO is to be used in a proportionate manner.

Current Position

3. This update report provides information on how the order would operate and clarifies the ATTRO processes between the City Corporation, the City of London Police and TfL as requested by Members.
4. Since January 2016, further meetings and workshops have been held between the City of London Police and TfL and resulted in the production of a joint Protocol, and TfL agreeing to include its roads in the City for which it is the Highway Authority.
5. In order to further ensure that the ATTRO is proportionate and to provide additional transparency in how it is operated, a draft Protocol has been

developed jointly between the City Corporation , the City of London Police, and TfL (see Appendix 1).

6. The proposed Protocol is to be read in conjunction with the ATTRO including the Schedule (see Appendix 2), and sets out arrangements regarding the provision for advance notice, and operating the 48 hour time limit on any restrictions. This is to ensure that the ATTRO is a proportionate measure, used to the minimum extent necessary and suspended as soon as circumstances permit.
7. The Protocol also specifies that an annual review of the ATTRO will be carried out by the City Corporation, the City of London Police, and TfL, and reported back to Members. This will allow for continuous checks and adjustments if required. Post-implementation reviews will also be conducted and reported to Members.
8. It should be noted that the current legislation specifies that a police officer of the rank of a constable can enable commencement, suspension or revival of restrictions of an ATTRO. However, in order to provide re-assurance that the commencement of restrictions under the ATTRO will be scrutinised and approved at an appropriate level, it has been agreed and set out in the Protocol that the City ATTRO will only be authorised by a City of London Police Officer of the rank of superintendent or higher (unless the superintendent is unavailable in which case it may be authorised by an inspector, as long as it is approved by a superintendent as soon as practicable).

Corporate & Strategic Implications

9. Nationally, the Government has a well-documented counter terrorism strategy known as CONTEST. One of the four strands of this National Strategy is titled PROTECT. The police are able to better protect the City community through the application of the ATTRO powers. These powers were introduced by the Civil Contingencies Act 2004.
10. Locally, The City Together Strategy has five themes. Two of these themes are relevant directly to the issue of an ATTRO.

- Supports our communities

To improve people's health, safety and welfare within the City's environment through proactive and reactive advice and enforcement activities.

- Safer and stronger

To continue to ensure the City is a safe place in which to do business, work, visit, and live.

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

12. Within the framework of the Safer City Partnership, counter-terrorism is one of eight priorities for improving the City's security, and a Counter-Terrorism Thematic Group is chaired by the Assistant Commissioner. The need and actions associated with an ATTRO is being monitored by that group.
13. The Local Policing Plan for 2015-18 has as an Outcome that "the City of London is protected against the threat from terrorism and remains a safe place for all". The plan states: "the threat from terrorism and extremism remains high and is becoming more diverse and complex in how it is manifested. The City of London's historical, cultural and economic importance means it will always be an attractive target for those 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 plan states: "We will continue to work in partnership with the City of London Corporation to enhance security measures across the City of London."
14. The City of London is vulnerable to terrorist attack due to the concentration of high profile historic, prestigious and financial targets. Consequently, this risk is high on the current Corporate Strategic Risk Register.

Legal implications

15. **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.
16. **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 ATTROs. In implementing the ATTRO the traffic impacts of restricting or prohibiting traffic to roads within the City, including, potentially, pedestrian traffic, will 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.
17. By way of 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 Corporation, TfL and other affected traffic. The arrangements are further explained in the Protocol.

18. **Human Rights and Proportionality** - In considering the request for an ATTRO, regards has been given to the 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.
19. Leading Counsel has reviewed the proposed arrangements and has advised that, with some modifications (which have been adopted in the proposals before you), the recommendations are ones which the City Corporation may properly and reasonably agree.

Outline Programme:

- April 2016: City London Corporation Committees
- May 2016 : ATTRO to be advertised and start of the three week statutory consultation period
- June/July 2016: Results of consultation and recommendation whether or not to proceed with the ATTRO to be reported to the Planning and Transportation and Policy and Resources Committees to decide whether or not to make the ATTRO.

Appendices

- Appendix 1 – Protocol
- Appendix 2 – Draft Traffic Regulation Order & Schedule
- Appendix 3 – ATTRO map

Background Papers:

- “Anti-Terrorism Traffic Regulation Order report” presented at Planning and Transportation Committee on 15th December 2015, Police and Policy and Resources Committees on 21st January 2016.

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Protocol for Commencing, Suspending and Reviving the City of London (Protective Measures) (No. 1) Traffic Regulation Order 2016

1.0 Introduction

1.1 The Road Traffic Regulation Act 1984 (RTRA 1984) allows for traffic regulation orders to be made specifically for the purposes of avoiding (or reducing the likelihood), of danger associated with terrorism. This is referred to as an Anti-Terrorism Traffic Regulation Order. It can be used to restrict vehicular and/or pedestrian traffic temporarily or permanently for counter-terrorism purposes.

1.2 The City of London (Protective Measures) (No. 1) Traffic Regulation Order 2016 (the "ATTRO") was requested by the Commissioner of Police and is based on advice received from the Police Commissioner's counter-terrorism security advisers, and protective security experts from the Centre of Protection of National Infrastructure (CPNI) ([Web link to be inserted](#)). The advice relates to the whole of the City of London having regard to its intensely crowded nature and role as a high profile world centre of economic activity. In addition, there are a range of threats to iconic buildings, critical national infrastructure and high profile gatherings such as military events. These all exist or occur within the City. The current security threat level for the UK is SEVERE, which means an attack is highly likely. Therefore in the current heightened security climate, an explicit anti-terrorism power to control access to streets in the City is now considered necessary.

1.3 Following consideration of the request the City of London Corporation ("the City Corporation") resolved to commence the statutory procedures to make the ATTRO. [FURTHER SENTENCE TO BE ADDED IN CONSULTATION WITH TfL TO REFLECT THE MAKING OF THE ATTRO IF IT IS DECIDED TO PROCEED]

2.0 Purpose of the Protocol

2.1 This Protocol sets out the process that will be followed by the City Corporation, the City of London Police and Transport for London (TfL) in implementing the provisions of the ATTRO. It aims to ensure that it is operated in a proportionate and appropriate manner, and by providing transparency as to how it will be operated so far as can be achieved according to the circumstances. It also sets out how its implementation will be reviewed and guides the communication process between

with the City Corporation, the City of London Police, and TfL. This Protocol is to be read in conjunction with the ATTRO including the Schedule.

2.2 It is acknowledged that in operating the ATTRO it is important to balance the security benefits of a protective security scheme against the disruption to traffic, local residents and businesses. The Protocol ensures that the various parties' interests, and the public interest, are considered and the arrangements between the City Corporation, the City of London Police, and TfL are clearly outlined.

3.0 Applicable Legislation & Guidance

3.1 The ATTRO is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. It provides a statutory basis for the implementation of protective security measures, both physical and regulatory, intended to prevent or minimise the risk from vehicle borne terrorist attacks.

3.2 The Civil Contingencies Act 2004 (Schedule 2) came into effect on 19 January 2005 and extends existing road traffic regulation legislation enabling it to be applied explicitly for anti-terrorism purposes. The Act allows traffic orders to be put in place under Sections 22c of the Road Traffic Regulation Act 1984 (RTRA 1984). ([Web link to the legislation to be inserted](#))

3.3 Specifically Section 22C of the RTRA 1984 allows the making of ATTROs, both permanent and temporary for:

- Avoiding or reducing, or reducing the likelihood of, danger connected with terrorism: and
- Preventing or reducing damage connected with terrorism' as defined by Section 1 Terrorism Act 2000 ([web link to the legislation to be inserted](#))

3.4 In connection with what may require protection, Section 22C(1) includes reference to "persons and property" on or near the road.

3.5 Section 22D of the RTRA 1984 provides that an ATTRO may be made "only on the recommendation of the Chief Officer of Police for the area to which the order relates". It also includes provisions to:

- Restrict pedestrian access to premises in roads affected
- Installation of vehicle control measures e.g. activation of rising bollards

3.6 The implementation of the ATTRO must also be carried out in compliance with the European Convention on Human Rights including in relation to the possible restriction of access to property, and Article 1 rights to enjoyment of property. ([Web link to the legislation to be inserted](#))

4.0 Commencement, suspension or revival of the Order

Commencement or Revival of the Order for Urgent Situations and Pre-Planned Events

4.1 The current legislation specifies that a police officer of the rank of a constable can enable commencement, suspension or revival of restrictions of an ATTRO. In order to provide re-assurance that the ATTRO will be used in a proportionate manner, it has been agreed that the imposition of restrictions under the ATTRO may only be authorised by a City of London Police Officer of the rank of superintendent, or, if a superintendent is unavailable, a City of London Police Officer of the rank of Inspector. In the event of the restrictions being authorised by an Inspector, a superintendent's confirmation shall be sought as soon as practicable. If the restriction is not confirmed by the Superintendent it shall cease. The ATTRO enables access to one or more streets in the City's area to be restricted including roads which form part of the Transport for London Road Network (TLRN). The City Corporation and TfL, must be given prior notice, which should be at least seven days or as soon as practicable.

4.2 It is the City of London Police (and in particular the security specialists within the Police), which have access to the intelligence as to whether a specific building or area constitutes a terrorist target. The ATTRO will only be implemented under the direction of the City of London Police, where the Superintendent (or, if he/she is unavailable the Inspector) is satisfied that there is sound reason to do so on the basis of a security assessment or intelligence of a likelihood of danger or risk of damage connected to terrorism.

4.3 Different circumstances may initiate the implementation of the ATTRO based on security assessment or intelligence of a threat, and could result in requiring an ATTRO for an urgent situation or pre-planned events. The details of these processes are included in the Appendix 1a and 1b.

4.4 The decision to implement the ATTRO in an urgent situation, and the process that follows will be led by City of London Police who will regularly review the position in the light of intelligence available. In these circumstances the Town Clerk and TfL must be consulted as soon as reasonably practicable. The flow chart in Appendix 1a details this process in more detail.

4.5 The decision to implement the ATTRO for a pre-planned event will be made by City of London Police but the process that follows will be led by the City Corporation in conjunction with TfL as the Highway Authorities. In these circumstances notice of the impending restrictions will be publicised allowing the City Corporation, TfL and neighbouring traffic authorities affected the opportunity to put in place measures to mitigate the adverse effects on traffic and people (see details in the Notification section below). The flow chart in Appendix 1b details this process in more detail.

4.6 The ATTRO will not be used for pre-planned events where there is no risk of danger or damage connected with terrorism.

4.7 Liaison between the City Corporation, City of London Police, and TfL is essential to ensure effective and acceptable implementation of the ATTRO which balances the needs of security with the impact on local residents, local businesses and traffic flow.

4.8 In addition, a Police Constable in uniform will have discretion to waive restrictions on a case by case basis.

Suspension of the Order

4.9 The Order is to be suspended as soon as the City Police of the rank of Superintendent or above is satisfied that the likelihood of danger or damage connected with terrorism relied upon to commence or revive the Order is removed or adequately reduced. The City Corporation and TfL will need to be informed immediately or as soon as reasonably practicable.

Notification

4.10 The aim is to provide Notice to affected stakeholders (including the public) as soon as practicable of any restrictions which are to be put in place.

4.11 The City Corporation and TfL will utilise its normal channels of communication to notify affected stakeholders that the ATTRO has been implemented. Notice of Intent to commence, suspend or revive the Order will be published at least 7 days before the proposals take effect (see draft Notice in Appendix 2) as follows:

- Social media;
- City of London website;
- Publication in the Evening Standard;
- On-street notice;
- Distribution direct to the City's key stakeholders such as businesses, residents, neighbouring authorities, other interest groups and disability groups who may be affected;
- TfL notification channels.

4.12 If the giving of the Notice of Intent is not considered appropriate for example due to urgency or national security, the arrangements in paragraph 4.10 will not be used, but shorter notice that the ATTRO is to be made, or notice that it has been made will be given using the following channels of communication:

- Social media;
- City of London website;
- TfL notification channels.

5.0 Review

5.1 After a maximum period of 48 hours, all restrictions will be lifted unless an extension is approved by the City of London Police Commissioner, the Town Clerk and TfL. Reasons to support an extension will need to be presented by the City of

London Police to the City Corporation and TfL and any extension will be for the minimum period necessary having regard to the specific circumstances. Regular meetings will be held between the City Corporation, the City Police and TfL to keep the requirement for the restrictions under review and ensure the restrictions can be removed or modified as soon as practicable.

5.2 Where the restrictions under the ATTRO have been put in place for urgent situations, continuous reviews of the restrictions will be organised by the City of London Police Extraordinary Security Group (Gold Level), chaired by Commander Operations, as soon as the intelligence suggests the restrictions may be reduced or modified and in any event within 24h following their introduction. The purpose of the reviews is to ensure the restrictions are removed or modified as soon as practicable having regards to the specific circumstances and to the likelihood of danger or damage connected with terrorism, or the effectiveness of the measures currently in place.

5.3 The ATTRO will be jointly reviewed annually by the City Corporation, City of London Police and TfL (and where appropriate neighbouring traffic authorities). This will allow for regular checks and adjustments to be made in the light of experience. The review will be reported to the Planning & Transportation and the Policy and Resources Committees.

5.4 A multi-agency training programme involving representatives from the City Corporation City of London Police and TfL, and will be put in place to ensure that the ATTRO is applied consistently and in line with the Protocol. The multi-agency Protocol will also be the subject of regular review.

6.0 Enquiries/Observations

6.1 Enquiries and observations about the implementation of the ATTRO should be directed to:

Director of the Built Environment
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

dbe@cityoflondon.gov.uk

Appendices

Appendix 1a&b – Flow Charts for urgent situations and pre-planned events.
Appendix 2 - Draft notice of intent

Glossary

Gold (strategic) Command Tier

In response to an emergency (as defined in the Civil Contingencies Act 2004), or to a major incident, or in a planned response to an event involving the emergency services and/or other partner agencies, a gold (strategic) tier of command should be established and a strategic coordinating group (SCG) should be formed. The police gold commander usually chairs the SCG.

Silver (tactical) Command Tier

At both spontaneous incidents and planned events where silver (tactical) commanders are appointed by the police and other emergency services, consideration must be given to how they and their personnel will communicate and coordinate with each other.

Bronze (operational) Command Tier

The nature, extent and autonomy of interoperability at bronze (operational) tier is based on the scale and nature of the incident or event and is defined by parameters set by the silver (tactical) commander.

Useful References

Traffic Management Act 2004: www.gov.uk/traffic-management-act

Highways Act 1980 (amended): www.legislation.gov.uk/ukpga/1980/66

Local Authorities Traffic Orders (Procedure)(England) Regulation Orders:
www.legislation.hmsso.gov.uk/si/si1996

Centre for the Protection of National Infrastructure (CPNI):
enquiries@cpni.gsi.gov.uk

Civil Contingencies Act: www.legislation.hmsso.gov.uk/acts/acts_2004

www.dft.gov.uk

Terrorism Act 2000

European Convention on Human Rights

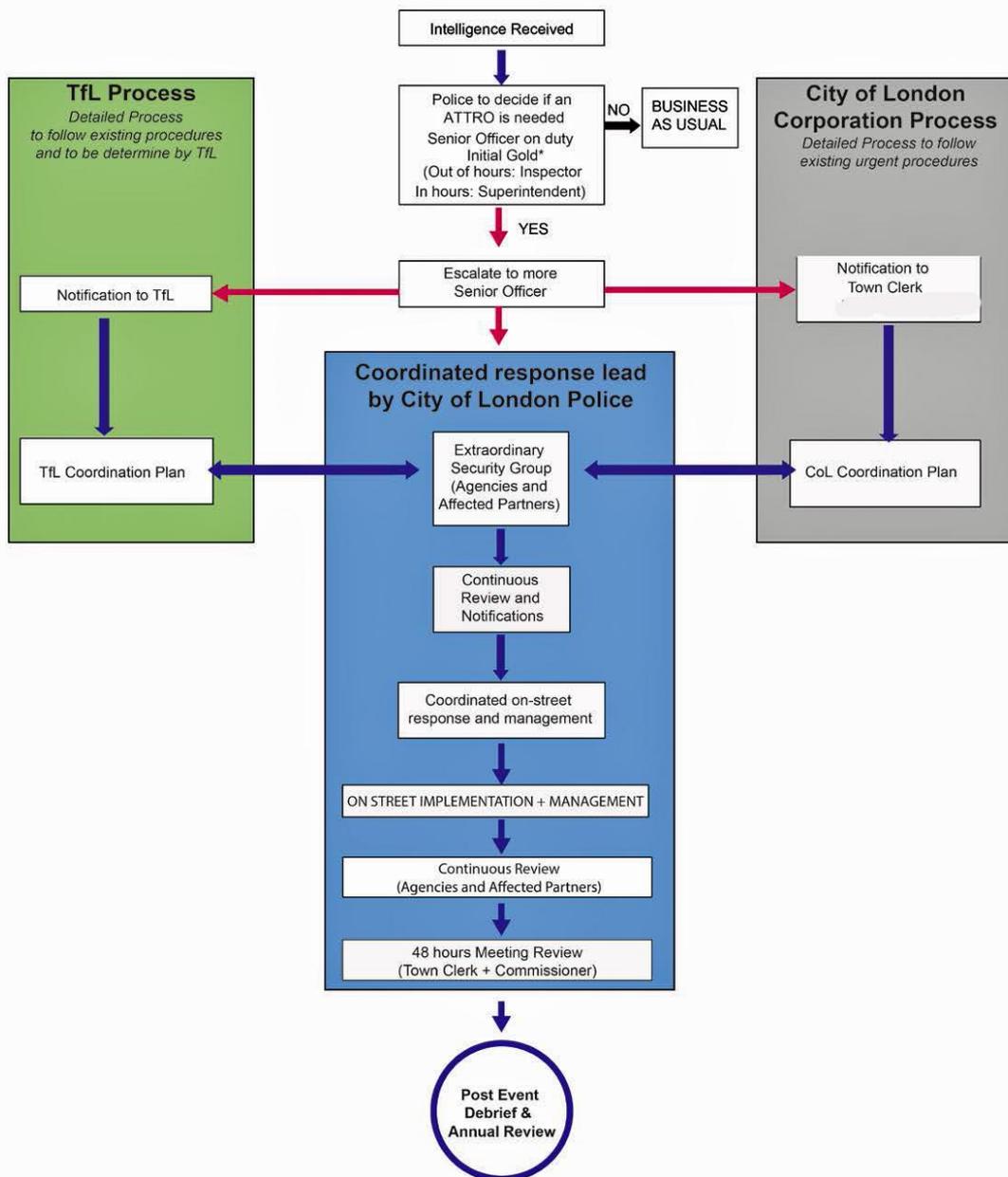
Human Rights Act 1998: www.equalityhumanrights.com

www.gov.uk/terrorism-national-emergency

Local Policing Plan for 2015-2018

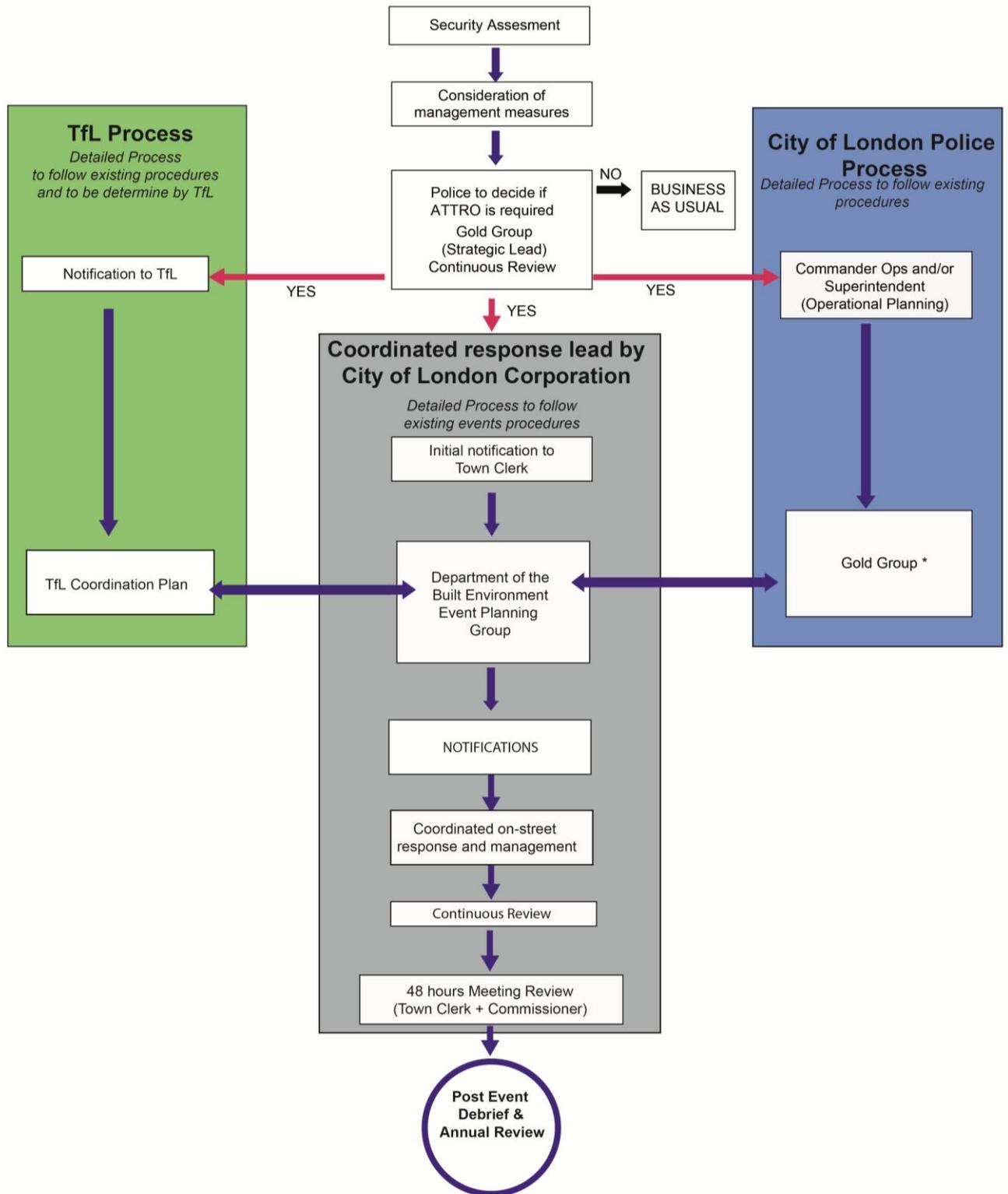
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Version	Revised	Issued
1		March 2016
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PROTOCOL Appendix 1a – Flow Chart for Intelligence Lead in an urgent situation



***Gold (strategic) command tier:**
 In response to an emergency (as defined in the Civil Contingencies Act 2004), or to a major incident, or in a planned response to an event involving the emergency services and/or other partner agencies, a gold (strategic) tier of command should be established and a strategic coordinating group (SCG) should be formed. The police gold commander usually chairs the SCG.

PROTOCOL Appendix 1b – Flow Chart for Pre planned event



***Gold (strategic) command tier:**

In response to an emergency (as defined in the Civil Contingencies Act 2004), or to a major incident, or in a planned response to an event involving the emergency services and/or other partner agencies, a gold (strategic) tier of command should be established and a strategic coordinating group (SCG) should be formed. The police gold commander usually chairs the SCG.

PROTOCOL - Appendix 2 – Draft Notice of intent

CITY OF LONDON

Notice is hereby given that the Common Council of the City of London as traffic authority for the undermentioned roads will commence/suspend/revive the City of London (Protective Measures) (No.1) Order 2016 in the undermentioned roads on “**Date /Month/ Year/ Times**” The effect of these Orders will be to prohibit vehicles (or pedestrians where stated) from entering the undermentioned roads on the dates and times specified for the purpose of avoiding or reducing the likelihood of danger connected with terrorism or preventing or reducing damage connected with terrorism

ROAD TO WHICH THIS NOTICE APPLIES.

[roads to be listed]

For further information please refer to www.cityoflondon.gov.uk/streetworks.

Enquiries to Traffic Management Services on 020 7332 ****

Carolyn Dwyer BEng (Hons), DMS, CMILT, FCIHT
advert date
Director of the Built Environment

Dated **Insert**



Appendix 2 : Draft Traffic Regulation Order & Schedule



TRAFFIC MANAGEMENT ORDER

201* No. *

The City of London and Transport for London (Protective Measures) (No.1) Order 201*

Made:

Coming into operation:

The Common Council of the City of London and Transport for London on the recommendation of the Commissioner of Police for the City of London in exercise of the powers conferred by sections 6, 22C, 22D and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, section 8 of and Part I of Schedule 5 to the Local Government Act 1985 and of all other powers thereunto enabling hereby make the following Order:-

1. This Order shall come into operation on *** and may be cited as The City of London and Transport for London (Protective Measures) (No.1) Order 201*.

2. In this Order:-

“Boundary Road” means any road with a boundary along its length having, on one side of the boundary an area for which the Common Council of the City of London is the traffic authority and on the other side of the boundary an area for which a neighbouring borough is the traffic authority.;

“Enactment” means any enactment whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by of any subsequent enactment;

“Terrorism” has the same meaning as in section 1 of the Terrorism Act 2000(c); and

“Traffic authority” has the same meaning as in section 121(A) of the Road Traffic Regulation Act 1984.

3. No person shall enter or proceed in, or cause a vehicle to enter or proceed in, any road or length of road within the boundary of the City of London for which the Common Council of the City of London or Transport for London is the traffic authority (other than a Boundary Road).

4. Article 3 of this Order shall be commenced, suspended or revived at the direction of a police officer of the City of London Police of the rank of Inspector or above to such extent and for such period as they may specify. Any direction of such police officer shall be given in accordance with the Schedule to this Order and shall have regard to any Protocol for the time being in force between the Common Council of the City of London,, the City of London Police and TfL.
5. Nothing in Article 3 of this Order shall apply to anything done with the permission or at the direction of a City of London police constable in uniform.
6. So far as the prohibition in this Order conflicts or is inconsistent with the provisions of any other Order made under the Road Traffic Regulation Act 1984, the prohibition in this Order shall prevail.

Dated this * day of ** 201*

Transportation and Public Realm Director

SCHEDULE

Criteria for Commencing, Suspending and Reviving The City of London and Transport for London (Protective Measures) (No. 1) Traffic Regulation Order 201* (“the Order”).

(1) Criteria for commencement, suspension or revival

The Order will only be commenced, suspended or revived, and only to the extent necessary, for the following purposes:

1. avoiding, or reducing the likelihood of, danger connected with terrorism; and
2. preventing or reducing damage connected with terrorism.

(2) Commencement or Revival of the Order

The Order may not be commenced or revived unless a City of London Police officer of the rank of Inspector or above is satisfied that they have sound reason for doing so based on a specific threat or specified intelligence that there is a threat of danger or damage connected with terrorism. On reaching that decision, they shall, as soon as reasonably possible, begin the notification procedure set out in paragraph (4), below.

(3) Suspension of the Order

Once the Order has been commenced or revived it will be suspended as soon as a City of London Police officer of the rank of Inspector or above is satisfied that the likelihood of danger or damage connected with terrorism relied upon to commence or revive the Order is removed or reduced, The Order may be suspended in part if the preceding circumstances arise only in respect of part of the operation of the Order.

(4) Notification

1. Before commencing, suspending or reviving the Order the City of London Police must publish a notice (in this Order called “notice of intent”) briefly describing the general nature and effect of the proposals, and naming or describing the roads to which the proposals relate (unless the giving of such notice is considered inappropriate having regard to its purpose or cannot be given due to urgency)
2. Subject to paragraph 4.1 above a notice of intent must be publicised in such ways as may be appropriate for the purpose of informing persons likely to be affected by the proposals at least seven days before the proposals take effect or as soon reasonably practicable (or such lesser period as may be appropriate having regard to the circumstances).
3. The Order must not be commenced, or revived unless the City of London Police have given prior notice of the proposals to the Common Council of the City of London, Transport for London, and any other traffic authorities likely to be affected by the proposals at least seven days before the proposals take

effect or as soon as reasonably practicable (or such lesser period as may be appropriate having regard to the circumstances).

4. Where the decision is made to suspend the Order (or any part of it) the City of London Police shall notify the Common Council of the City of London, Transport for London, and any other traffic authorities affected of the suspension as soon as possible after the decision is made to suspend the Order (or any part of it).

(5) Criteria for determining the extent of the restrictions

The Order will only be commenced or revived in accordance with the following:

- (1) Access will only be restricted to the minimum number of roads necessary to remove or reduce the danger;
- (2) Access will be restricted only to the minimum number and types of road users necessary to remove or reduce the danger;
- (3) Access will only be restricted for the minimum period necessary to remove or reduce the danger; and
- (4) In no circumstances will access be restricted for a continuous period longer than 48 hours without the prior approval of the Commissioner of Police and the Town Clerk.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport).

This Order introduces measures for the control of the movement of vehicular traffic and pedestrians on the streets in the City of London if there is a there is sound reason to do so on the basis of a security assessment or intelligence of a likelihood of danger or risk of damage connected to terrorism.

