

Committee(s)	Dated:
Police Authority Board Streets & Walkways Sub Committee Policy & Resources Committee	17 February 2021 18 February 2021 18 February 2021
Subject: Anti-Terrorism Traffic Regulation Order	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Director of the Built Environment	For Information
Report author: Ian Hughes, Deputy Director (Highway Operations), Transportation & Public Realm	

Summary

The City's permanent Anti-Terrorism Traffic Regulation Order (ATTRO) authorises the City Police to potentially control the movement of pedestrians and vehicles on City streets for counter terrorism purposes 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 has been limited to a small number of high-profile special events. As a result, in February 2020 Members agreed to approve the retention of the ATTRO for a further three years before its continuing use would be reviewed and decided upon again in 2023.

Due to the large-scale cancellation of events in 2020 due to COVID-19, the ATTRO was not used at all in the last 12 months, but from a City Police perspective, retaining the permanent ATTRO remains important because it affords them the ability to react quickly, if the intelligence necessitates it, to protect the public.

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:
 - a. Avoiding or reducing the likelihood of, or danger connected with, terrorism, or;
 - b. 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. Transport for London also agreed to allow the City Corporation to include their streets within the Square Mile as part of the ATTRO area.
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, there should be confirmation that the ATTRO had been used in a proportionate way.

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 for pre-planned special events. In terms of the former scenario, the permanent City ATTRO has yet to be used to implement controls as a result of advance intelligence.
10. In terms of special events, it was agreed that the ATTRO could be used to supplement the City Corporation and TfL's existing event planning process. This process would typically include 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, such as the control of pedestrian movements which would not typically form part of the standard event TTRO, and / or additional road closures that might be deemed appropriate nearer the event.
11. Since its introduction in 2016, the City Police Commissioner has only requested that the ATTRO be used on eight separate occasions, all in relation to a particular special event. Four of those requests involved the annual New Year's Eve celebrations as part of the Metropolitan Police-led operation across Central London. The other four were all in 2017 and related to:
 - a. The funeral of PC Keith Palmer at Southwark Cathedral
 - b. The IAAF Marathon
 - c. The Lord Mayor's Show & Fireworks
 - d. The Grenfell Tower Memorial Service at St Paul's Cathedral
12. Post-event feedback would suggest the additional powers contained in the ATTRO were used sparingly and there was no noticeable or negative impact on the general public. In accordance with the agreed protocol, none of the uses of the ATTRO exceeded 48 hours, which would otherwise have triggered a review by the Town Clerk & Commissioner.
13. Due to the large-scale cancellation of events in 2020 due to COVID-19, the ATTRO was not used at all in the last 12 months, but from a City Police perspective, retaining the permanent ATTRO remains important because it affords them the ability to react quickly, if the intelligence necessitates it, to protect the public and that a fair balance is being struck between the public interest and an individual's rights.
14. For these reasons, in February 2020 Members agreed to approve the retention of the ATTRO for a further three years before its continuing use would be reviewed and decided upon again in 2023.
15. Otherwise just to note that the operational protocol to oversee how the ATTRO is triggered and operated will be subject to a general refresh this year between the

City Corporation, City Police and TfL under 'Business as Usual' protocols to ensure it remains fit for purpose.

Corporate & Strategic Implications

16. Counter Terrorism is graded as a tier one threat against our country as per the National Strategic Policing Requirements set by the Home Office. Nationally and locally, there is an appropriately strong expectation that the threat of terrorism is met by an equally appropriate and proportionate response by the police and our partners.
17. 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.
18. The number one ambition of the City of London Police's Corporate Plan is 'to make the City of London the safest place in the world'. This includes having all the tools available to rapidly mitigate risk and to protect the public.
19. 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'.
20. 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.
21. 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. In addition, the City's Corporate Plan 2018-2023 reiterates the key aims of ensuring people are safe & feel safe and that we protect the users of our buildings, streets & public spaces.
22. 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.

Risk Implications

23. Although the risk of further terrorist attacks in the Square Mile cannot be eliminated, the potential availability of the ATTRO to the City Police forms part of the measures available to help mitigate that risk.

Legal Implications

24. See Appendix 1

Financial, Resource, Climate & Equalities Implications

25. None

Conclusion

26. Given the limited number of occasions on which the ATTRO has been used since 2016 and the limited impact on the general public's freedom of movement on each occasion, the evidence would suggest the ATTRO powers have been used proportionately and to the minimum extent necessary in accordance with both the statutory requirements and Members' wishes.

27. However, due to the exceptional environment of the Square Mile, the City of London remains particularly vulnerable to terrorist attack, and as a result, the City's permanent ATTRO is retained as an appropriate measure to enable the Commissioner of Police to more readily and better protect the City community.

Appendices

Appendix 1 - ATTRO Legal Considerations

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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.