

Committee(s):	Date(s):
Planning & Transportation Committee Police Committee Policy and Resources Committee	15 December 2015 21 January 2016 21 January 2016
Subject: Anti-Terrorism Traffic Regulation Order (ATTRO)	Public
Report of: Director of the Built Environment	For Decision

Summary

In July 2015, the Commissioner of City of London Police requested that the City of London, as traffic authority, approve the making of a Traffic Regulation Order covering the whole of the City of London, for anti-terrorism purposes (Commissioner's letter attached at Appendix 1).

The request is informed by advice received from the Commissioner's counter-terrorism security advisers and protective security experts from the Centre for the Protection of National Infrastructure (CPNI). The advice relates to the whole administrative area of the City with regard to 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.

The traffic order requested by the Commissioner is an Anti-Terrorism Traffic Regulation Order (ATTRO), which is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004. This allows traffic orders to be put in place by the Traffic Authority under S.6,22C and 22D of the Road Traffic Regulation Act 1984, for the purpose of :

- 'avoiding or reducing, the likelihood of, danger connected with terrorism'; or
- 'preventing or reducing damage connected with terrorism'.

These orders can only be made on the recommendation of the Chief Officer of Police and are subject to prior statutory consultation.

The Commissioner has requested that an ATTRO be put in place on a permanent basis which covers the whole City, but that is contingent in nature. The contingent nature of the ATTRO being sought means that it would only be utilised as an operational response where the Police believe that this would be a proportionate counter terrorism response to the needs of an event, incident or to intelligence received. Having a permanent ATTRO in place covering the whole City is considered essential due to the high density nature of the City, and the widespread nature of potential high profile targets. The past experience of sensitive businesses changing locations within the City and, of course, the unpredictability of the threat are also important factors. Alternative options have been considered, including only

having ATTROs for zones for a few selected parts of the City, but it is not considered that this would match the current and future potential threat, bearing in mind the fast changing nature of the City and the security environment. Although covering the whole City (other than boundary and Transport for London roads) the ATTRO will only be brought into use as an operational tool under the direction of the City of London Police, where the responsible officer has sound reasons on the basis of a security assessment or tactical intelligence of a likelihood of danger or risk of damage due to terrorism.

Members may recall that a temporary ATTRO was put in place for the funeral of Baroness Thatcher. Having a permanent ATTRO would mean that the Police would rely on the order being generally available as an operational tool but on a contingency basis that could be “activated” at any time in accordance with the Schedule to the ATTRO (Appendix 2) which reflects the statutory requirements for making such an order . This would enable speedier activation of security measures and would meet current operational requirements. This would be particularly effective when an ATTRO is required on successive occasions for the same location as there would not be a need for several orders to be requested that could potentially lead to delay in dealing with the identified threats. The draft ATTRO (“the City ATTRO”), annexed at Appendix 2, would be implemented in accordance with the Schedule.

Recommendation(s)

It is recommended that Members :

- **Approve in principal the proposal for the City ATTRO, subject to the applicable statutory processes. ;**
- **Authorise the Director of the Built Environment or her delegated officer to carry out consultation and publication of Notice of the proposal to make the City ATTRO;**
- **Delegate to the Director of the Built Environment or her delegated officer authority to evaluate all responses to the consultation and Notice and, if there are no unresolved objections, to determine whether or not to proceed to make the City ATTRO and carry out all associated statutory processes;**
- **Note that in the event of there being unresolved objections to the proposal to make the City ATTRO, they be reported to the Planning and Transportation Committee, for that Committee to determine the next step.**
- **Authorise the Director of the Built Environment or her delegated officer to agree the proposed Protocol.**
- **In the event of TfL agreeing to their roads in the City being included in the City ATTRO, and/or any neighbouring traffic authorities agreeing to their boundary roads with the City being included in the City 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) with TfL and/or neighbouring traffic authorities; and (b) authorise the Director of the Built Environment or her delegated officer to amend the ATTRO to include TfL roads and/or boundary roads with neighbouring traffic authorities, as the relevant traffic authorities may agree.**

Main Report

Background

1. The Commissioner of Police requested formally in July 2015 that an ATTRO be made by the City of London Corporation, for the City of London area (see Commissioner's letter in Appendix 1). In order to progress with the request, to a timetable that provides the Commissioner with maximum benefit in a timely manner, the proposed ATTRO would cover all public highways in the City but is unlikely to include boundary roads and those for which Transport for London (TfL) are the traffic authority, at least at this stage.

2. TfL have not had the benefit of working closely with the City of London Police on these issues over recent years, and it is recognised that additional time is needed for TfL to explore whether it wishes to pursue having an ATTRO that covers streets in the City for which they are Highway Authority. It would then be entirely at TfL's discretion as to whether they accede to the Commissioners request. City of London officers and the Police will continue to work closely with TfL on this issue.
3. Discussions with neighbouring traffic authorities regarding inclusion of their boundary roads with the City will need to be progressed but due to the inevitable complexities of dealing with an ATTRO involving multiple traffic authorities, it is not proposed to defer progress of the City ATTRO pending those discussions. If it is subsequently agreed to include these roads in the ATTRO, the order will be amended accordingly.
4. The recommendations seek authority to extend the ATTRO to TfL roads and boundary roads if the relevant traffic authorities agree (and to enter into any agreements with the other traffic authorities that would be required to take forward such joint working). However, for the reasons set out under "Evaluation" (which are considered to apply to the boundary roads and TfL roads), it is considered that even without TfL and boundary roads, it is still appropriate to proceed with the City ATTRO proposal excluding those roads, rather than delay progressing the proposal for an unknown period pending the conclusion of discussions with the other traffic authorities.
5. The request for an ATTRO from the Commissioner covers the whole administrative area of the City. The request follows extensive discussion and consultation between the City of London Police, City of London officers and the Centre for the Protection of National Infrastructure (CPNI). It has been made due to the concerns of the City of London Police and CPNI regarding the potential impact of terrorism, due to the City's intensely crowded nature and its characteristic as a high profile world centre of economic activity, which gives rise to specific and grave risks unique to the City's area. It would be the first time that such a wide ATTRO is put in place in the UK.
6. It should be noted that the existing Traffic and Environmental Zone (TEZ) includes provision for the City of London Police to attend check points when required to deal with traffic and environmental issues but the operation of this Zone is not sufficient to meet the current security threat which includes types of terrorist actions which had not previously seen on the mainland of the UK when the TEZ was put in place (i.e. suicide bombing). In addition, the TEZ does not cover the whole City and only applies to motor vehicles and not to pedestrians. The proposed ATTRO will have no impact on the operation of the TEZ that is to remain in place.

Evaluation

7. The Commissioner's request is that an ATTRO is put in place that covers the whole City and that it is permanent, but contingent in nature. The contingent

nature of the ATTRO means that this it would be available to the Police alone to utilise as an operational response, on the basis of the statutory criteria, where they believe that this would be a proportionate counter terrorism response to the needs of an event, incident or to intelligence received. Having a permanent ATTRO in place that covers the whole City is considered to be required due to the high density nature of the city, and the widespread nature of potential high profile targets. The past experience of sensitive businesses changing locations within the City and the unpredictability of the threat are also important factors in considering an ATTRO as a proportionate response to the assessed vulnerabilities and circumstances. Various alternatives to having the whole City covered by an ATTRO have been considered, including only having ATTROs for zones for a few selected parts of the City. However, it is not considered that this would match the current and future potential threats, bearing in mind the fast changing nature of the City and the security environment.

8. The possibility of making one or more temporary ATTROs on a case by case basis, if and when specific threats arise, has also been considered. However, the delay this would involve (even if the speedier “notice” only procedure were adopted, without prior consultation) could delay the implementation of restrictions, and such delay could prejudice the ability to reduce or remove the threat such as for emergency or intelligence based threats that require action to be taken within 24 hours.
9. Although covering the whole City (other than boundary and Transport for London roads) the ATTRO will only be brought into use as an operational tool under the direction of the City of London Police, where the responsible officer has sound reasons on the basis of a security assessment or tactical intelligence of a likelihood of danger or risk of damage due to terrorism.
10. As traffic and highway authority, the City 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 at Appendix 2 sets out requirements to ensure 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.
11. 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, TfL and other affected traffic authorities. The requirement for notice is intended to mitigate adverse traffic impacts by enabling alternative transport arrangements to be put in place. In

addition, the Schedule prohibits any restriction being in place for more than 48 hours without the prior approval of the Commissioner and the Town Clerk.

12. In considering the request for an ATTRO, regard 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 outweighs any 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. It is considered that the Schedule to the City ATTRO will ensure that any interference is proportionate, and, 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, the ATTRO is considered to be justified and any resulting interference legitimate.

Making the ATTRO

13. The making of an ATTRO involves the same processes that apply to other traffic orders under the Road Traffic Regulation Act 1984, requiring a very clear statement of reasons for putting the order in place and public consultation on and Notice of the proposal in accordance with the Local Authorities' Traffic Orders (Procedure) (England) Regulations 2012. The proposed **Statement of Reasons** is as follows:

“The anti-terrorism traffic regulation order is proposed in order to comply with a request from the Commissioner of Police for the City of London to potentially control the movement of pedestrians and vehicles on City streets as part of a package of measures aimed at improving the security of people in crowded places and protecting damage to buildings from a potential terrorist attack.

The Order would give to the an officer of the City of London Police of the rank of Inspector or above the power to restrict all or part of any City street at their discretion on the basis of a security assessment or intelligence of a threat. The discretion must be exercised in accordance with the Schedule and any agreed Protocol for the time being in force to ensure that any interference is proportionate and that such restrictions are for the minimum extent and for the minimum period necessary.”

14. The processes for making the ATTRO in the first place are the same procedure for all Traffic Orders and will involve a statutory consultation period. A notice will be placed in the Press and on the City's website. Organisations representing

various road user groups will also be contacted. A minimum period of 21 days will be allowed for any public comments or objections to the proposal. Responses will be evaluated and any unresolved objections will be referred back to the Planning and Transportation Committee for consideration.

The management of the ATTRO

15. In order to further ensure that the ATTRO is proportionate and appropriate, and to provide further transparency in how it is operated, it is proposed that a Protocol be adopted. The draft ATTRO requires the City of London Police to have regard to any Protocol in force for the time being.
16. The proposed Protocol is likely to include provisions for review of the ATTRO and Protocol by the City and City of London Police on an annual basis. This would allow for continuous checks and adjustments if required. It is also proposed that TfL and neighbouring traffic authorities would be involved in the review process were their roads to be included.

Corporate & Strategic Implications

17. 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 came were introduced by the Civil Contingencies Act 2004.
18. 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.

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.

19. 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 are being monitored by that group.

20. 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..”
21. 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 top of the current Corporate Strategic Risk Register.

Financial Implications

22. The cost of making the ATTRO is expected to be £10,000 in staff cost and fees. This cost is to be funded by the existing £100,000 allocation from within the DBE Local Risk Resources that was approved in February 2015 to progress St Paul’s Area Security Strategy.
23. To date, £18,000 has been spent from the £100,000 allocation (£15,000 for Staff cost and £ 3,000 for fees).

Outline Programme:

- December 2015/ January 2016: CoL Committees
- February 2016 : TRO to be advertised and start of the three weeks statutory consultation period
- March 2016: Traffic Order to be officialised unless there are unresolved objections to the proposal that will therefore be reported to the Planning and Transportation Committee.

Conclusion

Due to the exceptional characteristics of the “square mile”, the City of London is particularly vulnerable to terrorist attack, throughout the whole of its relatively small area. The City ATTRO, in the form of the draft at Appendix 2, is considered an appropriate measure which will help the Commissioner of Police to more readily and better protect the City community. The safeguards proposed in the ATTRO, Schedule and Protocol, including the provision for advance notice, and the 48 hour “cut-off”, would ensure that the City ATTRO is a proportionate measure, used to the minimum extent necessary and suspended as soon as circumstances permit.

Contact

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Appendices

Appendix 1	Commissioner's letter
Appendix 2	The draft City ATTRO (including the Schedule and Statement of Reasons)

Appendix 1: Commissioner's letter



Adrian Leppard QPM MBA
Commissioner

John Barradell
Town Clerk
City of London Corporation
Guildhall
London
EC2P 2EJ

Direct line **Direct fax**
0207 601 2001 0207 601 2060

Your ref: **Our ref:**

17th June 2015

Dear Town Clerk,

Recommendation for an Anti-Terrorism Traffic Regulation Order (“ATTRO”)

I write to recommend that the City of London make an Anti-Terrorism Traffic Order (“ATTRO”) in respect of the City’s roads [and by TfL in respect of their roads] within the administrative area of the City of London. This would enable the occasional restriction of roads for counter-terrorism purposes on a contingency basis.

There is an acknowledged threat to the UK of international terrorism, and past experience has demonstrated that this threat is particularly acute in crowded places, and places of economic and symbolic importance (see safer Places: A Counter Terrorism Supplement Consultation Document – DCLG/Home Office 2009). Given the characteristics of the City of London’s administrative area as an area which is intensively occupied, contains numerous symbolic sites, and a dense concentration of activities of economic importance, I consider that the circumstances meet both the criteria identified below under (i) and (ii).

The restriction would be in relation to:

- (i) Avoiding or reducing, or reducing the likelihood of, danger connected with terrorism to persons or property on or near a road ; and/or
- (ii) Preventing or reducing damage connected with terrorism (as defined by Section 1 Terrorism Act 2000).

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Cont/ ...

An ATTRO enables traffic comprising vehicles and/or pedestrians to be regulated (the extreme of which would be closure of a road) for preventative purposes in connection with Counter Terrorism. An order typically backs up physical security measures in order to preclude vehicles and/or pedestrians from entering or proceeding along a highway within the designated area. For this type of Traffic Regulation Order (TRO) it can only be progressed by way of recommendation from ourselves at the Police.

The ATTRO that I am recommending would be permanent but of a contingency nature and would likely be zoned. To prevent access to a defined area by a determined vehicle-borne attacker, physical measures are typically but not necessarily required. If you are supportive of this ATTRO, CoLP and City officers will work together. I shall be recommending that for local implementation within the City of London, authority for implementation is held at the rank of Inspector or above and reviewed by an officer of the rank of Superintendent or above. Training and awareness will also be provided to police officers and staff.

I further recommend an annual review process of the ATTRO, which I believe is proportionate and necessary given the number of stakeholders affected and emerging security threats.

May I thank the City of London Corporation for its consideration of this ATTRO recommendation, which I believe will provide us with a further protective layer to keep the City safe from terrorism.

I look forward to hearing from you.

Adrian Giffard

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Appendix 2: The draft City ATTRO

“ The City of London (Protective Measures) (No. 1) Traffic Regulation Order 2015”.



TRAFFIC MANAGEMENT ORDER

2015 No.

The City of London (Protective Measures) (No.1) Order 2015

Made:

Coming into operation:

The Common Council of the City of London, on the recommendation of the Commissioner of Police for the City of London, and after consulting Transport for 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(a) and section 8 of, and Part I of Schedule 5 to, the Local Government Act 1985(b), and of all other powers thereunto enabling hereby make the following Order:-

1. This Order shall come into operation on *** 2015 and may be cited as The City of London (Protective Measures) (No.1) Order 2015.
2. In this Order:-

“Boundary Road” means any road on the boundary of the area for which the Common Council of the City of London is the traffic authority and for which a neighbouring borough is the traffic authority, and for which the Common Council of the City of London is the traffic authority for only part of the road;

“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 street or length of street for which the Common Council of the City of London is the traffic authority (other than a Boundary Road).
4. Article 3 of this Order shall be commenced, suspended or revived at the discretion 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 discretion of the police officer shall be exercised 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 and the City of London Police.
5. Nothing in Article 3 of this Order shall apply to anything done with the permission or at the direction of a 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 (Protective Measures) (No. 1) Traffic Regulation Order 2015 (“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 police officer of the rank of Inspector or above is satisfied that they have sound reason for doing so based on a specific threat, security assessment or specified intelligence that there is a threat of danger or damage due to 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 revived or commenced 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 para. 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 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 reasonably practicable.

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 [\(or his nominated deputy\)](#).

Statement of Reasons

Anti Terrorism Traffic Order

“The anti-terrorism traffic regulation order is proposed in order to comply with a request from the Commissioner of Police for the City of London to potentially control the movement of pedestrians and vehicles on City streets as part of a package of measures aimed at improving the security of people in crowded places and protecting damage to buildings from a potential terrorist attack.

The Order would give to an officer of the City of London Police of the rank of Inspector or above the power to restrict all or part of any City street at their discretion on the basis of a security assessment or intelligence of a threat. The discretion must be exercised in accordance with the Schedule and any agreed Protocol for the time being in force to ensure that any interference is proportionate and that such restrictions are for the minimum extent and for the minimum period necessary.”