

Officer Non Key Executive Decision

Relevant Chief Officer (Decision Maker):	John Blackledge, Director for Community and Environmental Services
Relevant Cabinet Member (for consultation purposes):	Councillor Neal Brookes, Cabinet Member for Enforcement, Public Safety, Highways and Transport
Report Author (Officer name and title):	Ian Large, Highways and Traffic Performance Manager
Implementation Date of Decision:	5 January 2022

ATTRO. Anti-Terrorism Traffic Regulation Order, Chief Police Officer Request to put in place the order to support necessary Policing actions and activities in relation to this specific risk.

1.0 Purpose of the report:

1.1 To seek approval for officers to proceed with the statutory consultation, advertisement and making of the proposed Permanent Anti-Terrorism Traffic Regulation Order to introduce a statutory basis for prohibiting or restricting the use of named roads, or any part thereof and/or implementing physical and regulatory protective security measures intended to prevent or minimise the risk from vehicle borne terrorist attacks, or ambulant terrorist attacks.

2.0 Recommendation(s):

2.1 To authorise the statutory consultation and advertisement of notice of the intention of the Council to make an Anti-Terrorism Traffic Regulation Order under Sections 1 (1) (a) and (b), 5, 9 and 92 and by virtue of Section 22C of the Road Traffic Regulation Act 1984 (the Act) and Part IV of Schedule 9 to the Act.

2.2 If no objections are received in relation to the proposals or if any objections are received are subsequently withdrawn, to authorise the Head of Legal to make the Traffic Regulation Order.

2.3 If objections are raised and not withdrawn but subsequently overruled by the Cabinet Member for Highways and Transport following full consideration of the grounds upon which the objection has been made against the statement of reasons for proposing the order to authorise the Head of Legal to make the Traffic Regulation Order.

3.0 Reasons for recommendation(s):

3.1 There is an acknowledged threat to the United Kingdom from international and domestic terrorism. Past experience shows that crowded places or Publically Accessible Locations remain an attractive target for terrorists, they have demonstrated by their acts that they are likely to target places that are easily accessible, regularly available and which offer the prospect for an impact beyond loss of life alone such as serious disruption or a particular economical / political impact.

ATTROs provide a statutory basis for prohibiting or restricting the use of named roads, or any part thereof and/or implementing physical and regulatory protective security measures intended to prevent or minimise the risk from vehicle borne terrorist attacks, or ambulant terrorist attacks, specifically to:

- avoid or reduce, or reduce the likelihood of, danger connected with terrorism; and
- prevent or reduce damage connected with terrorism,

Terrorism is as defined in the Terrorism Act 2000.

ATTROs can only be made by a traffic authority on the recommendation of a Chief Officer of Police which the Council have received

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to progress the proposal and not to proceed with the request from the Chief Police Officer Lancashire, and not to implement the Anti-Terrorism Traffic Regulation Order

4.0 Council Priority:

4.1 The relevant Council Priority is "Create safer communities and reduce crime and anti-social behaviour "

5.0 Background Information

5.1 Lancashire Police in consultation with Blackpool Borough Council have been working

towards this proposal for an ATTRO to be in place, for all public highways within the zone indicated by the plan. The introduction of an ATTRO will complement the continuing work being undertaken by both Blackpool Borough Council and the Police on this topic and subject matter.

The development of the Winter Gardens Conference Centre is attracting reservations from Parliamentary parties which is presenting opportunities to the town and conversely increasing the risk of policing such events.

The boundary identified in the ATTRO can provide security and protection to the blue route road network affording emergency services access into the town in the event of a major terrorist incident.

The ATTRO is an opportunity for Lancashire Police to work with partners to future proof the safety of the iconic venues in Blackpool against the risk of a terrorist attack. Intelligence assessments and a response to terrorist incidents will enable the police and its partners to respond more quickly and effectively to such threats in the future.

It should be noted that although the permanent ATTRO covers a large area of the town and multiple streets / roads it would only be implemented on a temporary basis where needed and to cover the needs of a specific incident, to control access and egress for emergency vehicles etc. to and from that incident. Ensuring the best use of the highway and the best most efficient routes used for emergency personnel to attend and support the emergency / security efforts. The zone takes in Blackpool's key publically accessible sites and the key routes to and from the Hospital in addition it also contains the key routes in and out of Blackpool. An incident may necessitate extra or specialist resource to attend from outside of the area.

The overarching rationale for this is public safety and the need to protect the public from acts of terrorism. In recent years there have been a number of significant terrorist atrocities in the UK and mainland Europe. In order to mitigate this threat Blackpool Borough Council have worked closely with Lancashire Police, to put in place protective security arrangements to enhance public safety. The introduction of an ATTRO will complement and support the continuing work being undertaken by both Blackpool Borough Council and the Police.

The ATTRO would only be brought into use as an operational measure in two circumstances, for pre-planned events as part of an overall security plan and also as a reaction to a incident where there is an immediate need to protect the public.

The ATTRO will only be brought into use as an operational tool under the direction of Lancashire Police, by an officer of at least the rank of Inspector in consultation with the duty Strategic Commander as soon as practicable, or as authorised by a Strategic

Commander for pre-planned events, who 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.

Anti-Terrorism Traffic Regulation Orders: can support / introduce

- Provide for the installation of permanent vehicle control measures;
- Provide for the installation of temporary vehicle control measures;
- Provide for the installation of permanent vehicle control measures for later use, for example at times of raised threat or for specific events. These measures may include, for example, the installation of rising security bollards around a town centre used only when a secure conference is being hosted, i.e. whilst the bollard installation is permanent, its use is temporary;
- Enable the commencement, suspension or resumption of provisions. The provisions also allow for the discretion of a Constable to apply, or not to apply, a provision of an ATTRO;
- Prohibit parking on a road, for example near a vulnerable site;
- Restrict pedestrian access to premises in roads affected.

A Constable can authorise another person (described in the Order or Notice, e.g. a suitably trained and briefed local authority operative) to operate a gate to allow an authorised vehicle or person to enter.

Subsection (9)(c) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) sets out powers of a Constable to authorise a person of a description specified in the ATTRO to do anything a Constable can do by virtue of section 22D(5) of the 1984 Act.

This might include, for example, local authority staff, event stewards or security guards employed by a company contracted to provide security for an event to which the ATTRO relates (such as a sporting or musical event). Under such delegated authority, it might be left to a security guard or steward to determine when a provision of an ATTRO is to commence or cease operating on a given day.

The ATTRO might provide, for example, for a road to be closed off from 10:00 to 22:00, but a security guard could determine that on a particular day the road can be re-opened an hour earlier. The ability for an ATTRO to confer a discretion on a Constable may be used, in particular, to enable a police officer operating a barrier or gate that has closed off a road to exercise his or her discretion to allow accredited vehicles or persons through the barrier or gate. This provision would enable another authorised person to exercise such discretion.

Where the enactment of the ATTRO is as a consequence of a spontaneous incident an officer of least the Rank of Police Inspector must have informed the Police Duty Strategic Commander, as soon as practicable after its enactment the appropriate person at Blackpool Council must also be notified. The restrictions would remain in place for no longer than is necessary, with a period no longer than 48 hours without review by the Police Duty Strategic Commander, jointly with Blackpool Council Officers.

Records of all use of the ATTRO will be recorded by Lancashire Police. All ATTRO use will be reviewed on a 12 monthly basis. The review will be made in partnership with Lancashire Police and Blackpool Council. The review will focus on proportionality and effectiveness of its use.

Does the information submitted include any exempt information?

No

5.4 **List of Appendices:**

- Briefing document
- Statement of Reasons
- Area Plan / Map
- ATTRO FAQ's

6.0 **Legal considerations:**

6.1 Under Section 1(1) of the Road Traffic Regulation Act 1984, the Council in its capacity as traffic authority may make a traffic regulation order where it appears to the authority making the order that it is expedient to make it-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving the amenities of the area through which the road runs or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

6.2 An order may be made under the Road Traffic Regulation Act 1984 (the Act)

- Section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism (for which purpose the reference to persons or other traffic using the road shall be treated as including a reference to persons or property on or near the road).
- Section 1(1)(b) for the purpose of preventing or reducing damage connected with terrorism.

In this section of the Act terrorism has the meaning given by section 1 of the Terrorism Act 2000.

Definition of Terrorism – section 1 of the Terrorism Act 2000 (by virtue of section 22C(6) of the Road Traffic Regulation Act 1984) defines Terrorism as;

- (a) The use or threat of action where:
- (1) It involves serious violence against a person; or
 - (2) It involves serious damage property; or
 - (3) It endangers a person's life, other than that of the person committing the action; or
 - (4) It creates a serious risk to the health or safety of the public or a section of the public; or
 - (5) It is designed seriously to interfere with or seriously disrupt an electronic system; and
 - (6) The use or threat is designed to influence the government or to intimidate the public or a section of the public; and
 - (7) The use or threat is made for the purpose of advancing a political, religious or ideological cause.

Provisions- The Provisions which can be included in ATTROs are the same as for regular traffic regulation orders, but with the following differences;

- 6.3
- Pedestrians can be prevented from accessing premises which are only accessible to them from that road
 - Section 92 of the Act can be used to place bollards and other obstructions just like they can be for permanent traffic regulation orders
 - The ATTRO may authorise the undertaking of works for the purpose of, or for a purpose ancillary to, another provision if the ATTRO
 - The ATTRO may give power to a police constable to direct that a provision of the ATTRO shall (to such extent as the constable may specify) be commenced, suspended or revived (e.g. to allow a constable to decide when lorries are prohibited from using a road)
 - The ATTRO may confer a discretion on a police constable (e.g. to restrict the use of a road by pedestrians to such number of persons as he considers reasonable in the circumstances)
 - The ATTRO may confer a power on a police constable in relation to the placing of structures or signs and may apply in connection with a provision of

the Act with or without modifications (e.g the power under section 67 to place traffic signs on a road).

- 6.4 By virtue of 22CA of the Counter-Terrorism and Border Security Act 2019 Any statutory requirement to publish a proposal for, or notice of, the making of an order does not apply to an order made by virtue of section 22C if the chief officer of police for the area to which the order relates considers that to do so would risk undermining the purpose for which the order is made.

- 6.5 As the local traffic authority, the council has the duty to secure the expeditious, convenient and safe movement of traffic (having regard to the effect on amenities) (section 122 Road Traffic Regulation Act 1984) measures are to be agreed to ensure that any restrictions will be the minimum necessary and will be in place for the maximum time necessary to remove or reduce the danger and are consistent with the statutory requirements for making the ATTRO. In implementing the ATTRO the traffic impacts of restricting or prohibiting traffic to roads within Blackpool, including 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 serious disruption and greater risk being caused to failure to prevent an incident.

The making of a Traffic Regulation Order requires advertisement and consultation in accordance with the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996

7.0 Human Resources considerations:

- 7.1 NA

8.0 Equalities considerations:

- 8.1 NA

9.0 Financial considerations:

- 9.1 The cost of the making of the order and the advertising of the notices and any communication strategy will be met by the Authority

10.0 Risk management considerations:

- 10.1 NA

11.0 Ethical considerations:

11.1 NA

12.0 Internal/ External Consultation undertaken:

12.1 Formal consultation with the emergency services and other statutory consultation will be undertaken as necessary.

12.2 Notice of the intention to make the Traffic Regulation Order will be published in the Blackpool Gazette. Documents shall be made available for public inspection at Customer First, and Bickerstaffe House from the date on which the notice of proposal is first published until 6 weeks after the date the order is made or if earlier, the date on which the council decides not to make the order. Additional notification of the proposals, for example by site notices and/or notification to properties affected by the Order shall be carried out as appropriate.

13.0 Decision of Chief Officer

13.1 To authorise the statutory consultation and advertisement of notice of the intention of the Council to make an Anti-Terrorism Traffic Regulation Order under Sections 1 (1) (a) and (b), 5, 9 and 92 and by virtue of Section 22C of the Road Traffic Regulation Act 1984 (the Act) and Part IV of Schedule 9 to the Act.

If no objections are received in relation to the proposals or if any objections are received are subsequently withdrawn, to authorise the Head of Legal to make the Traffic Regulation Order.

If objections are raised and not withdrawn but subsequently overruled by the Cabinet Member for Highways and Transport following full consideration of the grounds upon which the objection has been made against the statement of reasons for proposing the order to authorise the Head of Legal to make the Traffic Regulation Order.

14.0 Reasons for the Decision of the Chief Officer

14.1 There is an acknowledged threat to the United Kingdom from international and domestic terrorism. Past experience shows that crowded places or Publically Accessible Locations remain an attractive target for terrorists, they have demonstrated by their acts that they are likely to target places that are easily accessible, regularly available and which offer the prospect for an impact beyond loss of life alone such as serious disruption or a particular economical / political impact.

ATTROs provide a statutory basis for prohibiting or restricting the use of named roads, or any part thereof and/or implementing physical and regulatory protective

security measures intended to prevent or minimise the risk from vehicle borne terrorist attacks, or ambulant terrorist attacks, specifically to:

- avoid or reduce, or reduce the likelihood of, danger connected with terrorism;
and
- prevent or reduce damage connected with terrorism,

Terrorism is as defined in the Terrorism Act 2000.

ATTROs can only be made by a traffic authority on the recommendation of a Chief Officer of Police which the Council have received