

OFFICER DECISION REPORT – TRAFFIC REGULATION ORDER (TRO)

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INFORMAL CONSULTATION

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT:	Bath City Centre Security (Lower Borough Walls, Stall Street, Abbeygate Street, Abbey Green, Swallow Street (south), Bath Street, Hot Bath Street and Beau Street)
PROPOSAL:	Prevention of Vehicles from Restricted Streets between 1000 hours and 1800 hours
SCHEME REF No:	21 – 022B
REPORT AUTHOR:	Lynda Deane

1. DELEGATION

The delegation to be exercised in this report is contained within **Part 3, Section 4** of the Constitution under the **Delegation of Functions to Officers**, as follows:

Section A	The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility....”
Section B	Without prejudice to the generality of this, Officers are authorised to: serve any notices and make, amend or revoke any orders falling within his/her area of responsibility.
Section D9	An Officer to whom a power, duty or function is delegated may nominate or authorise another Officer to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator.

For the purpose of this report, the Director of Place Management holds the delegated power to make, amend or revoke any Orders.

2. LEGAL AUTHORITY

This proposal is made in accordance with the Road Traffic Regulation Act 1984, which under Section 1, Section 22C and Section 22D provides, generally, for Orders to be made for the following reasons, and in the case of this report specifically for the reason(s) shown below:

(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	X
(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,	
(e)	(without prejudice to the generality of paragraph (d) above) 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 or improving 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)	
(h)	For the prevention of terrorism	X

3. **PROPOSAL**

To implement access restrictions and parking/waiting restrictions in the streets identified above, as part of a Bath City Centre Security proposals outlined within Cabinet Report E3278 and approved on 20 July 2021.

Prevention of Vehicles from Restricted Streets between 1000 hours and 1800 hours in the following streets: Lower Borough Walls, Stall Street, Abbeygate Street, Abbey Green, Swallow Street (south), Bath Street, Hot Bath Street and Beau Street.

4. **BACKGROUND**

4.1 The National Counter-Terrorism Security Office (NaCTSO) Counter-Terrorism Security Survey on Bath City Centre in September 2016; identified locations in Bath as a 'Crowded Place'; with particular focus on the areas around Bath Abbey and the Roman Baths. As the 2017 attacks in Westminster and Manchester demonstrated, crowded places present attractive targets for terrorists. Subsequently disrupted plots and intelligence assessments suggest this will continue to be the case (Contest Strategy Document 2018)

4.2 The report identified where the City is vulnerable and where the overall risk to the City is raised. By taking action to address these identified vulnerabilities, the likelihood and impact and therefore the risk to the area is reduced.

4.3 The impact of terrorism can include death and injury to the general public, staff and customers, economic harm and disruption to businesses and reputation and loss of public confidence. The likelihood of such an attack taking place is based on a combination of threat and vulnerability. There is currently no specific intelligence to suggest that Bath is under increased threat. The current general terrorist threat to the UK is 'substantial' which means that an attack is likely. Such an attack could take place anywhere in the UK.

4.4 Since 2016 the Council and South West Counter Terrorism Advisors (CTSA's), with Avon & Somerset Police, have worked together on preventative measures to reduce the risk of a terrorist attack in the City. These include temporary hostile

vehicle mitigations (HVM) for events, such as the Christmas Market and Remembrance Services and specific training for CCTV operatives, front-line staff, managers, and senior officers across private, public and third sector organisations, including regular deployments of Avon & Somerset Police's Project Servator teams.

4.5 The Council with CTSA's have focussed attention on areas identified as crowded places, with the Chief Constable of Avon & Somerset Police writing to the Council on 4 March 2020 (Attached at Appendix 1) to recommend the Council introduce an Anti-Terrorism Traffic Regulation Order ("ATTRO") in respect of all roads within the area defined within the map attached as Appendix 2.

4.6 This TRO is a proportionate response to the Chief Constable's letter, which also takes into account the Council's duties under the Equality Act 2010 and public consultation carried out from November 2020 to January 2021, with consideration to the Accessibility Study and subsequent recommendations.

4.7 Stall Street's current TRO does not allow access for vehicles between 1000 hours and 1800 hours and to reintroduce traffic into this street, will have an adverse impact on public safety, as the expectation of those accessing the street is that vehicles are not permitted. To allow vehicles access would also increase the security risk. Therefore, it is not proposed to allow blue badge holders access through this area.

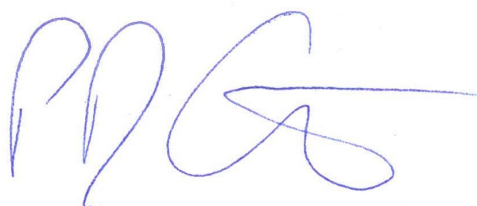
5. **SOURCE OF FINANCE**

This proposal to be funded by the city centre security capital project (TCY0013)

6. **CONSULTATION REQUIREMENT**

The proposal requires informal consultation with the Chief Constable, Ward Members and the Cabinet Members for Transport.

PROPOSAL(S) APPROVED FOR INFORMAL CONSULTATION WITH THE CHIEF CONSTABLE, WARD MEMBERS AND CABINET MEMBERS FOR TRANSPORT.



Signature:

Date: 25th August 2021

Paul Garrod
Traffic Management and Network Manager

Appendix 1 – Chief Constable Letter



Chief Constable Andy Marsh QPM

Avon and Somerset Constabulary, Police and Fire HQ,
PO Box 37, Valley Road, Portishead, Bristol BS20 8QJ
Telephone: 01278 646321 Facsimile: 01278 646216

PRIVATE AND CONFIDENTIAL

Mr Will Godfrey & Councillor Dine Romero
Chief Executive & Leader
Bath and North East Somerset Council
Email only

Our ref: AM/JJT

Your Ref:

Date: 4th March 2020

Dear Will and Dine

Further to your letter dated 26th February I write to recommend that in addition to our original request, Bath and North East Somerset Council also consider implementing an Anti-Terrorism Traffic Order ("ATTRO") in respect of the roads which are identified as high footfall/crowd density areas which are shown within the inner core in Appendix B.

I have sought advice from our Counter Terrorism Security Advisors and the Centre of Protection of National Infrastructure on this matter and as Bath city centre is a significant crowded site I believe the restriction of traffic from the main crowded areas at peak times is proportionate and I would welcome and support any scheme that limited vehicular access to these areas.

I recognise that the identified inner core is not always going to be a crowded place and any scheme will have to reflect and take account of the needs of the businesses and people who reside and work in this area. Use of the ATTRO to limit traffic within the inner core would have to be confined to specific times stated within the Order to reflect the periods of significant footfall you have highlighted, pre-planned events or emergency situations. Exclusion of vehicles outside of these times would have to be catered for under a parallel/separate Traffic Regulation Order.

This ATTRO is recommended in order to enable the Chief Constable of Avon and Somerset Constabulary to restrict or regulate the movement of pedestrians and vehicles for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism to persons or property on or near a road; and or preventing or reducing damage connected with terrorism (as defined by section 1 Terrorism Act 2000). This would be one of a package of measures designed to improve overall public safety, specifically the security of people in crowded places and protect/prevent damage to buildings from a terrorist attack.

There is an acknowledged threat to the United Kingdom from international terrorism and past experience has demonstrated that this particular threat is acute in intensely crowded places. The City of Bath is a UNESCO World Heritage site and major tourist destination, it has also been identified as a significant crowded place. It is home to Bath Abbey, the Roman Baths, Southgate Centre and the Rec (home of Bath Rugby) amongst many other culturally and natural significant sites. It is also known for events such as the Christmas Market, Bath Half Marathon and Remembrance Sunday parades as well as being home to two Universities.

Bath plays a significant role in the regional economy and the value of the visitor economy in BANES cannot be ignored. The RAND Corporation published a report stating that the five terror attacks that took place in the United Kingdom in 2017 – at Westminster, Manchester, London Bridge, Finsbury Park and Parson Green – potentially led to a loss in economic output of £3.5 billion. The closure of Borough Market and 'denial of access caused by extensive cordons' following the London Bridge attack was estimated to cost £1.4 million. This was mainly borne by smaller and medium sized businesses. The local economy took 6-9 months to return to the level it had been prior to the attack.

I consider that the above circumstances meet both the criteria under section 22C (1) and (2) of the Road Traffic Regulation ACT 1984.

The latest amendment to the Road Traffic Regulation ACT 1984 (enacted by the Counter-Terrorism and Border Security ACT 2019) waives the requirement to publicise an ATTRO in advance, where in the opinion of the Chief Police Officer, such publicity would undermine the purpose of the order. It is agreed by Avon and Somerset Constabulary and Bath and North East Somerset Council that, in the interests of transparency and accountability there will be no intention to waive the requirement to publicise the ATTRO.

An ATTRO enables traffic which includes vehicle and/or pedestrians to be regulated (the extreme of which would be to restrict access of a road) for preventative purposes in connection with Counter Terrorism. An order will supplement physical security measures in order to preclude vehicles and/or pedestrians from entering or proceeding along a road within the designated area. The ATTRO can only be progressed by way of a recommendation from ourselves the police.

I will further recommend that wherever possible, at least 7 days' notice of restrictions associated with emergency operation of the ATTRO will be provided to the local authority in order that such notice may also be provided to those persons likely to be affected by the restrictions. Finally, it is also recommended that any emergency restriction put in place in accordance with the ATTRO will not exceed a period of 48 hours without prior approval from the Chief Constable.

A jointly agreed schedule (from the police and local authority) will need to be attached to the ATTRO detailing the specific working/operational arrangements for the implementation of the ATTRO at the discretion of a constable and the local authorities when it arises.

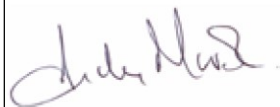
The ATTRO provision will be reviewed annually by Avon and Somerset Constabulary to assess the proportionate use of the power and if it is still necessary and we recommend BANES council have protocols in place for any changes in threat level.

This ATTRO would be one of a package of measures designed to improve overall public safety within Bath and North East Somerset Council.

May I take this opportunity to thank Bath and North East Somerset Council for its consideration of this ATTRO recommendation, which it is believed will provide us with a further protective measure to keep the city safe from a terrorist threat.

I wait to hear further from you in due course.

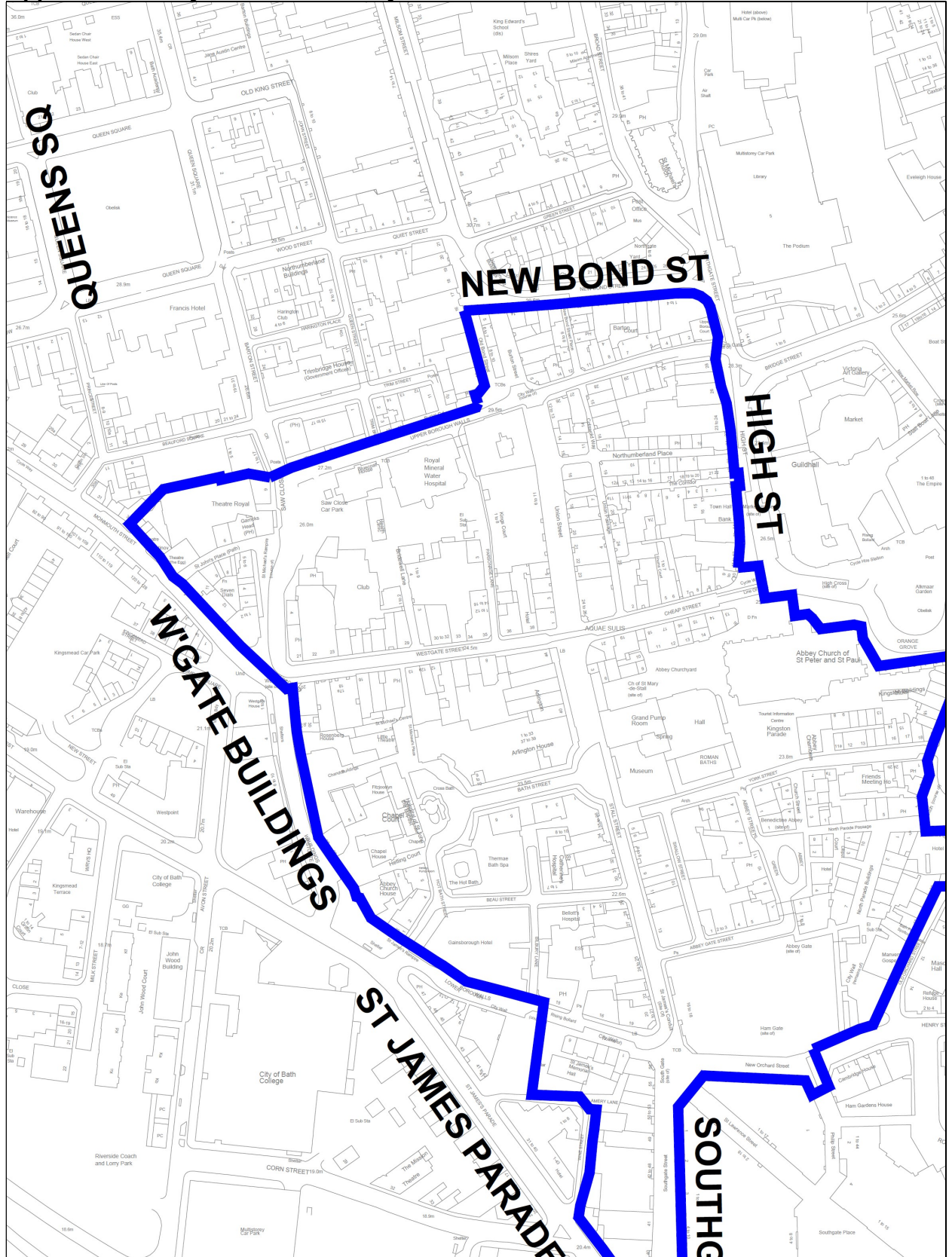
Yours sincerely,



Andy Marsh QPM
Chief Constable
Avon and Somerset Constabulary

Avon and Somerset Constabulary Privacy Notice, which relates to the use of personal information, can be viewed via the force website <https://www.avonandsomerset.police.uk/privacy>

Appendix 2 – City Centre Boundary Plan



7. COMMENTS RECEIVED TO DATE

Chief Constable

No comment.

Parking

I broadly support the implementation of the restrictions but there should be a recognition that additional restrictions may require additional revenue support for staff to reflect the fact that every new restriction requires a very small percentage of a staff member to enforce on a regular or semi-regular basis.

Whilst this impact may itself be small for a single scheme, the cumulative impact may have an impact for the enforcement across other locations.

Ward Members

Kingsmead:

Cllr Sue Craig – No comment.

Cllr Andrew Furse – No comment.

Cabinet Members:

Cllr Manda Rigby – Thanks for this, approved with the change that the specific streets are in body of text as well as title.

Cllr Sarah Warren – No comment.

Member Advocate for Accessibility:

Cllr Sarah Moore – No comment.

8. RECOMMENDATION

As no significant objections and/or comments have been received following the informal consultation described above, the Traffic Regulation Order process should commence.



Signature:

Date: 17/09/2021

Paul Garrod
Traffic Management & Network Manager

9. **DECISION**

As the officer holding the above delegation, I:

Approve the progression of this Traffic Regulation Order.	X
Agree that this Traffic Regulation Order should not be progressed at this time.	

In taking this decision, I confirm that due regard has been given to the Council's public sector equality duty, which requires it to consider and think about how its policies or decisions may affect people who are protected under the Equality Act.



Signed: ...

...

Date: 20/09/21

Chris Major
Director for Place Management