

**Manchester City Council
Report for Resolution**

Report to: Executive – 11 September 2019

Subject: Manchester City Centre ATTRO

Report of: Strategic Director - Neighbourhoods

Summary

Greater Manchester Police (GMP) have requested that Manchester City Council and Salford City Council make an Anti-Terrorism Traffic Regulation Order (ATTRO) which covers the city centre, defined as all roads within the Manchester and Salford Inner Ring Road, excluding the ring road itself. The ATTRO authorises GMP to control the movement of pedestrians and vehicles in the city centre. It forms part of a package of measures which are aimed at improving the security of people in crowded places and preventing damage to buildings from a potential terrorist attack.

Recommendations

Executive is recommended to:

1. Subject to (2) below, authorise the City Solicitor to take all necessary steps to make the Order.
 2. If objections to the proposed order are received, note that a further report will be brought to the Executive setting out the objections, the Council's response thereto and the recommended course of action.
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Wards Affected

Deansgate and Piccadilly Wards

| Manchester Strategy outcomes | Summary of the contribution to the strategy |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | The ATTRO will allow the police to effectively manage the highway network based on the threat of or as the result of a terrorist incident, thereby contributing to the aim of having a thriving city centre. |
| A highly skilled city: world class and home grown talent sustaining the city's economic success | N/A |
| A progressive and equitable city: making a positive contribution by unlocking the potential of our | N/A |

| | |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| communities | |
| A liveable and low carbon city: a destination of choice to live, visit, work | The ATTRO will protect residents and visitors from the threat of terrorism contributing to making Manchester a liveable city. |
| A connected city: world class infrastructure and connectivity to drive growth | The ATTRO will contribute to the protection of essential existing infrastructure supporting the aim of having a connected city. |

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

No significant impacts

Financial Consequences – Capital

No significant impacts

Contact Officers:

Name: Steve Robinson
Position: Director of Highways
Telephone: 07989 148203
E-mail: steve.robinson@manchester.gov.uk

Name: Kevin Gillham
Position: Head of Network Management
Telephone: 0161 234 5660
E-mail: k.gillham@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Appendix 1: Recommendation of the Chief Constable of Police dated 20 June 2019
Appendix 2: Manchester City Centre ATTRO Area
Appendix 3: Draft ATTRO legal order

1.0 Introduction

- 1.1 There is an acknowledged threat to the United Kingdom from international terrorism. Past experience shows that crowded places remain an attractive target for terrorists who have demonstrated 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 economic/political impact.
- 1.2 The purpose of this report is to seek approval to instruct the City Solicitor to proceed with all necessary legal requirements to make the Anti-Terrorism Traffic Regulation Order (ATTRO). Previously, the Consultation Request and Delegated Approval for Traffic Regulation Orders: Manchester City Centre ATTRO, signed on 31st July 2019, approved the consultation and advertisement of the legal order. Consequently, in line with statutory obligations for advertising Traffic Regulation Orders (TRO's), including ATTRO's, the proposals were advertised the Manchester Evening News on 15th August 2019 for a period of 21 days. During this time formal objections can be made to the proposals. A verbal update will be provided to the Executive on the consultation outcome. Any objections received will be the subject of a further report to the Executive which will set out the objections, provide the Council's response and make a recommendation. The ATTRO will respond and mitigate against the potential threat described above.

2.0 Background

- 2.1 Manchester has a thriving city centre. It is a regional shopping attractor, has a prosperous night-time economy in terms of bars, restaurants and hotels, has growing residential and employment populations and is a world class leisure and cultural destination hosting numerous festivals, conferences, sports events and international performers across a number of event spaces. Additionally, Manchester is recognised as a major financial centre and the economic impact of previous attacks has been significant.
- 2.2 An existing ATTRO has been in place since 2008, this covers a small area of the city centre and has been used to ensure that security arrangements associated with high profile events can be effectively managed by the police. In light of the on-going threat to the UK and the city centre's recent and continuing growth it has been established that the area covered should be extended to cover the entire city centre in order to improve the ability of GMP and MCC to manage the highway network effectively in the event of a threat or incident.

3.0 Proposals

- 3.1 High level meetings between Manchester City Council, Salford City Council and GMP have resulted in the Chief Constable of Greater Manchester Police recommending the introduction of an Anti-terrorism Traffic Regulation Order (ATTRO) for Manchester city centre, including an area which lies within Salford City Council's boundary (see Appendix 1 Recommendation of the

Chief Constable of Police dated 20 June 2019). It will cover all roads within the Manchester and Salford Inner Ring Road as defined by the area inside A57(M), Trinity Way, A635 and A665, which excludes the inner ring road itself. The proposed area covered by the ATTRO is illustrated in Appendix 2: Manchester City Centre ATTRO Area.

- 3.2 The schedule to the legal order specifying the area covered will be illustrated by this plan. This is due to the significant and on-going development in the city centre area which often leads to changes in highway infrastructure in terms of loss or addition of highway and street name changes. The area highlighted would allow any area of highway within the boundary to be closed without needing a specific list of road names.
- 3.3 The order will cover that area of Manchester City Centre that lies within MCC boundary, there will be an identical (in substance) order for the parts of the City Centre that lie within Salford City Council's boundary.
- 3.4 An ATTRO 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.
- 3.5 An ATTRO is a counter terrorism measure which allows an officer of GMP to direct that a provision of the ATTRO restricting or regulating pedestrian or vehicular traffic on a particular road should be commenced, suspended or revived. Such a decision would be based on a security assessment or credible intelligence of a threat. The use of the ATTRO would be authorised by an officer of at least the rank of inspector and for pre-planned events it would be a senior officer who would be Gold Commander for any such event.
- 3.6 The Council would introduce the ATTRO following the normal procedures under The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which specifies procedural requirements that traffic authorities must follow when proposing and making Traffic Regulation orders.
- 3.7 A jointly agreed schedule (between the police and the Council) will also be attached to the ATTRO detailing the specific working/operational arrangements for the implementation of the ATTRO when it arises in both pre-planned and emergency arrangements.
- 3.8 The proposed ATTRO would be permanent but only used as a contingency measure in appropriate circumstances. Wherever possible at least 7 days' notice of restrictions would be given allowing MCC to notify those likely to be affected by the restrictions. Any restrictions put in place would not exceed a period of 48 hours without prior approval of the Chief Officer of Police.

- 3.9 The above ensure that the ATTRO is a proportionate measure used to the minimum extent necessary in order to deal with the likelihood of danger connected to terrorism. The ATTRO provision will be reviewed annually by GMP to ensure that it is still a proportionate use of this power and assess whether it is still necessary.

4.0 Legal Position

4.1 Traffic Regulation Orders

The grounds for making traffic regulation orders are set out in Section 1 of the Road Traffic Regulation Act 1984 ('the RTRA'). The main grounds are listed below:

- a) For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising.
- b) For preventing damage to the road or any building on or near the road.
- c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
- 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) For preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot.
- f) For preserving or improving the amenities of the area through which the road runs.

4.2 Terrorism

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.
- section 6 made for a purpose mentioned in section 1(1)(a) or (b) may be made for that purpose as qualified by subsection (1) or (2) above.

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 to disrupt an

- electronic system; and
- (b) The use or threat is designed to influence the government or to intimidate the public or a section of the public; and
- (c) The use or threat is made for the purpose of advancing a political, religious or ideological cause

4.3 Procedure

The ATTRO can only be made on the recommendation of the Chief Constable of Police.

4.4 Provisions

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

- 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 of 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 the road)
- The ATTRO may confer a discretion on a police constable (e.g. to restrict 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)

4.5 By virtue of 22CA of the Counter –Terrorism and Border Security Act 2019 Any statutory requirement to publish a proposal for, or a 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.

4.6 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). Schedule 2 to the draft ATTRO at Appendix 3 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 the ATTRO. In implementing the ATTRO the traffic impacts of restricting or prohibiting traffic to roads within Manchester, 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.

- 4.7 Having a permanent ATTRO in place covering all the highways within the City Centre is considered essential due to the high density nature of the City, and the widespread nature of potential high profile targets.

It 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. This would enable speedier activation of security measures and would meet operational requirements

- 4.8 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 Council and other affected traffic authorities.

- 4.9 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 Gold Commander and the local authority equivalent.

5.0 **Human Rights Issues**

- 5.1 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.

- 5.2 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.

- 5.3 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.

- 5.4 It is considered that the Schedule to the 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

6.0 **Contributing to the Manchester Strategy**

6.1 (a) A thriving and sustainable city

The ATTRO will allow the police to effectively manage the highway network based on the threat of or as the result of a terrorist incident, thereby contributing to the aim of having a thriving city centre.

6.2 (b) A highly skilled city

N/A

6.3 (c) A progressive and equitable city

N/A

6.4 (d) A liveable and low carbon city

The ATTRO will protect residents and visitors from the threat of terrorism contributing to making Manchester a liveable city.

6.5 (e) A connected city

The ATTRO will contribute to the protection of essential existing infrastructure supporting the aim of having a connected city.

7. Key Policies and Considerations

(a) Equal Opportunities

7.1 N/A

(b) Risk Management

7.2 The proposed ATTRO is a direct response to the threat of terrorism that the UK is currently under and aims to manage that risk as efficiently as possible.

(c) Legal Considerations

7.3 The legal considerations are set out in the body of the report.