

AGENDA SUPPLEMENT

Executive

To: Councillors Douglas (Chair), Kilbane (Vice-Chair), Kent, Lomas, Pavlovic, Ravilious, Steels-Walshaw and Webb

Date: Thursday, 14 November 2024

Time: 5.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

The Agenda for the above meeting was published on **6 November 2024**. The attached additional documents are now available for the following agenda item:

14. York Christmas Market 2024 and Blue Badge Access (Pages 1 - 62)

This report reviews arrangements for the Christmas Market 2024 and the options for blue badge access.

This agenda supplement was published on **7 November 2024**.

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Meeting:	Executive
Meeting date:	14 November 2024
Report of:	James Gilchrist - Director of Environment, Transport and Planning
Portfolio of:	Cllr. C Douglas – Leader of the Council

Decision Report: York Christmas Market 2024 and Blue Badge Access

Subject of Report

1. In October 2023 the Council's Executive made the decision that the Hostile Vehicle Mitigation measures (security bollards) will continue to operate.
2. Executive also made the decision that Blue Badge vehicular access should be permitted through the Hostile Vehicle Mitigation measures during pedestrianised hours to access Blake Street, St. Helen's Square and Lendal as well as Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate.
3. A principle which underpinned the above decision was that Blue Badge vehicular access may need to be removed for certain events, but the Council would work with Make it York (the organisers of the Christmas Market) to make the Christmas Market more accessible.
4. There will be significant impact on disabled people by removing Blue Badge holders' vehicular access during the Christmas Market period of 14 November to 22 December 2024.
5. The Council remains committed to a Christmas Market which facilitates Blue Badge holders' vehicular access and will work with

Make it York to make this happen for 2025. However, the planning for a Christmas Market starts over a year in advance.

6. This urgent report has been requested by Executive to review plans for 2024 and understand if Blue Badge holders' vehicular access can be facilitated in some way this year. The report therefore sets out the current plans and the options of how Blue Badge vehicular access might be permitted this year and the way this changes the risks and the mitigations.

Benefits and Challenges

7. This decision is challenging as it requires the Executive to balance the security advice from the Counter Terrorism Police, public safety, and the rights of all users of the pedestrianised streets (footstreets) (including users with protected characteristics under the Equality Act 2010) against the rights of Blue Badge holders requiring vehicular access to the footstreets during the Christmas Market period (a protected group under the Equality Act 2010) at the busiest time of the year in terms of footfall.
8. This report does not seek to put those interests and those of other groups in conflict but rather to help the Executive establish the policy context for how that balance is struck.
9. This report invites the Executive to consider the requirements for public space, which are exacerbated in York by the constraints of narrow footpaths and pedestrianised streets. The fundamental issue is one of balancing the human rights and equalities impacts with the security advice.

Policy Basis for Decision

10. The 10-year plan sets a vision that everyone can benefit from and take pride in the city with the Council Plan setting a priority that the council will set the conditions for a healthier, fairer, more affordable, more sustainable, and more accessible place where everyone can feel valued.
11. This vision sets a clear policy that an accessible place is a priority for the Executive. The Executive has set out Four Core

Commitments in the Council Plan which are those outcomes they believe will most support the delivery of their vision. One of which is:

“Equalities and Human Rights - Equality of opportunity - We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”.

12. Previous reports have identified the impact on Blue Badge holders of restricting vehicular access and parking of their vehicles in the city centre. Reports advised decision makers of the need to weigh up the negative impact in terms of equalities and human rights for a group with a protected characteristic in the context of a wider human right of the general public to health and safety and protection of life, reflected in the Counter Terrorism Policing advice.
13. In deciding, the Executive are asked to weigh up and consider the different considerations including the impact of any decision on Equalities and Human Rights issues to arrive at a balanced decision.
14. Under the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is referred to as the Public Sector Equality Duty. The protected characteristics in the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty is to have “*due regard*”, it is not to achieve a specific outcome.
15. The Human Rights Act 1998 states that it is unlawful for a public authority to act in a way which is incompatible with a right or freedom under the European Convention on Human Rights. The provisions of Article 8 (right to respect for private and family life) and Article 14 (protection from discrimination) contained in Schedule 1 of the Human Rights Act 1998 have been considered and taken into

account. These rights can lawfully be interfered with where the interference is proportionate, necessary, and has a legitimate aim. For example, where it is necessary in the interests of other concerns including public safety and health or where it is necessary in the wider public interest, and it is proportionate.

16. The Executive are asked to consider both the right to life and the protection from discrimination. Neither of these duties take precedence and the Executive will need to make a decision proportionately, having regard to all impacts, to reach a balanced decision including the Council's responsibilities under the Public Sector Equalities Duty.

Financial Strategy Implications

17. The Council agreed to allocate a budget of £200k to fund additional costs of introducing Blue Badge holders' vehicular access within the new Hostile Vehicle Measures. Any small changes to the arrangements suggested in this report will increase costs to the Council but will be able to be contained within this budget.
18. The option of cancelling the Christmas Market at this late stage however, will have very significant financial implications to both the Council and its wholly owned company Make it York. This could be in excess of £1m across the organisations and therefore would require a separate report identifying how this could be funded and is therefore not a recommended option.

Recommendation and Reasons

19. **Recommendations:** The Executive is asked to:
 - i. Note and approve the existing arrangements for traders of Shambles Market (year round market) to pass through the Hostile Vehicle Measures during the extended pedestrianised hours of the Christmas Market after 5pm, so that they are not held in the city unnecessarily until the 7pm lifting of the vehicle restrictions. This affects between 20 and 40 Shambles Market traders vehicles per day.

- ii. Consider the advice of Counter Terrorism Policing and the Safety Advisory Group that all vehicular access should not be permitted during the Christmas Market. Recognising that the risk is not just because of increased pedestrian traffic, but because of the specific increased terrorist risk at Christmas markets.
- iii. Consider the increased overall footfall during the Christmas Market period noting that the pattern of peak footfall is not significantly dissimilar between the Christmas Market period and the summer holidays, see Annex B.
- iv. Consider the positive impact of permitting Blue Badge holders' vehicular access to the pedestrianised area for disabled people during the Christmas Market period, noting that on average currently around 18 Blue Badge holders drive into the pedestrianised area between 10:30am to 5pm i.e. an average of 2.7 per hour.
- v. Consider the impacts of increased risk of collisions/accidents between pedestrians and vehicles linked to additional vehicles within the pedestrianised streets, (including the potential negative impacts on some groups with protected characteristics under the Equality Act 2010)
- vi. Decide to pursue and approve one of the following options and instruct the Head of Transport to implement:
 - a. Option A – Note and approve the existing proposed arrangements for the Christmas Market in 2024, based on previous decisions which include the temporary removal of Blue Badge vehicular access during the Christmas Market period, which have been agreed with both Counter Terrorism Policing and the Safety Advisory Group although does not accord with the advice of Counter Terrorism Policing as detailed in Annex C. Also note the commitment to work with Make it York on plans for 2025 to develop a Christmas Market offer that will permit Blue Badge vehicular access.
 - b. Option B – Permit Blue Badge holders' vehicular access during the Christmas Market period on the routes that have been available since January 2024, including the extended

hours i.e. 10:30am to 7:00pm. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. Some Blue Badge Holders already feel that the number of pedestrians is an issue with blue badge vehicular access during the rest of the year. This would be heightened at Christmas given the additional significant additional footfall with peak footfall well above the summer peak footfall. The Blake Street to Lendal Loop is also the main walking route to the station and likely to be significantly busier.

- c. Option C – Cancel the Christmas Market to reduce the risk and permit Blue Badge vehicular access. This has significant financial risk for the Council which would be liable for the costs and lost income.
- d. Option D – Permit Blue Badge vehicular access to the Goodramgate Loop excluding Church Street, after 5pm during the Christmas Market period, as happens for the Shambles Market traders. The restrictions are lifted at 7pm when the Christmas Market closes. There would be no Blue Badge vehicular access to the Blake Street, St. Helen's Square and Lendal route. This would provide equity for Blue Badge holders, with the arrangements in place for the Shambles Market traders, but access would not be available in core footstreet hours 10:30am to 5pm. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. The figures show that whilst total footfall is significantly higher overall during the Christmas Market period than an August week, the peak hourly footfall after 5pm during the Christmas Market period is similar to peak hourly footfall during August. Parked Blue Badge holders' vehicles combined with the increased footfall may cause an issue for market traders and pedestrians to pass safely and add to a sense of overcrowding.
- e. Option E – Permit Blue Badge vehicular access to the Goodramgate Loop as detailed in Option D but limit this to Monday to Thursday during the Christmas Market period. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. Blue Badge vehicular access through the year so far has averaged 21 people

Monday to Friday but 13 at weekends. Footfall through the Christmas Market is highest at weekends, closely followed by Fridays. The core footstreet hours are busier than the extended hours.

- f. Option F – Permit Blue Badge holders' vehicular access to the Goodramgate loop as detailed in Option D but the hours of Blue Badge holders' vehicular access would be when pedestrianised hours start at 10:30 until 12:00. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. The peak footfall in these hours during the 2023 Christmas Market was 150% of the summer holiday peak at any time. Some Blue Badge Holders already feel that the number of pedestrians is an issue with blue badge vehicular access during the rest of the year.

Reason(s): Should Executive be minded to permit some form of Blue Badge vehicular access during the Christmas Market period, they are required to consider whether the option is reasonable and proportionate having fully considered all relevant matters. Executive therefore need to weigh up the equalities and human rights benefits to Blue Badge holders and balance that with the wider public interest, including the right to life, the duty to protect life, and the potential negative impact that increased pedestrians and vehicular traffic in the pedestrianised area could have on some groups with protected characteristics under the Equality Act 2010.

Background

20. In October 2023 Executive decided that Blue Badge vehicular access should be permitted through the Hostile Vehicle Mitigation measures during pedestrianised hours to access Blake Street, St. Helen's Square and Lendal. As well as Goodramgate (between Deangate and King's Square), Church Street, King's Square and Colliergate.
21. Over the last 10 months, on average 18 Blue Badge holders per day pass through the Hostile Vehicle Mitigation Measures. Numbers are higher during the week and lower at weekends. This data is published on the open data platform at:

<https://data.yorkopendata.org/dataset/blue-badge-city-centre-access-points-usage/resource/b9e81ea6-c9fa-420c-bfd0-f99babafec12>

22. The Christmas Market is organised by Make it York. They prepare the safety plans and risk assessments and are responsible for the event. A Temporary Traffic Regulation Order extends pedestrianised (footstreet) hours until 7pm during the Christmas Market period and the Hostile Vehicle Mitigation measures operate to this extended time.
23. Counter Terrorism Policing North East have advised the Council and briefed both this and previous Executives about the increased risk of hostile vehicle attacks at Christmas Markets. Last year the European Home Affairs Commission Ylva Johansson said the polarisation in society caused by the Israel-Hamas war was increasing the risk of violence and that “there is a huge risk of terrorist attacks in the European Union” over the Christmas holiday season.
24. In response to this risk the Council has for several years worked with Make it York to secure temporary hostile vehicle measures from the National Barrier Asset to safeguard York’s Christmas Market from a hostile vehicle attack, a type of attack seen, for example, in Berlin. This year, the construction of permanent Hostile Vehicle Mitigation measures has been completed and will remove the need for temporary measures.
25. Hostile Vehicle Mitigation is one of a series of actions taken by partners to reduce the risk and impact of an attack on the Christmas Markets.
26. The number of people visiting the city significantly increases during the Christmas Market. Annex B shows the Christmas Market is significantly busier compared to a summer holiday week, but the pattern of peak footfall per hour in summer is similar to evening footfall during the Christmas Market period. Annex A also provides the breakdown by hours of the day.
27. Before Blue Badge holders’ vehicular access was reviewed by this administration, a number of principles were consulted upon. This is covered in more detail within the consultation section of this report.

Notably Principle 2 - City centre events stated that “Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets)”.

28. In the run-up to the Christmas Market in 2023, the issue that Shambles Market traders were not allowed to leave the pedestrianised area until the later time of 7pm was raised. The intention was that access would not be permitted through the Hostile Vehicle Mitigation measures during the extended Christmas Market hours.
29. The Executive Member for Transport met with Shambles Market traders in the summer of 2023 and agreed that access would be permitted during the later hours of the Christmas Market (5pm to 7pm) to allow Shambles Market traders to pack up and remove items from the market.
30. Make it York know the Shambles Market traders, as they manage the Shambles Market, and therefore are work with the Council to ensure Shambles Market traders have a pass based on their prior knowledge.
31. Records show that about 20 to 40 Shambles Market traders use this system per day to access the market.

Christmas 2024

32. The Hostile Vehicle Mitigations are largely complete, with the last site due to finish in time for the Christmas Market this year, meaning there are no temporary Hostile Vehicle Mitigation measures.
33. There will be no vehicular access for the Christmas Market traders to the pedestrianised area during the extended footstreet hours. There will be some limited access for Shambles Market Traders as detailed in paragraphs 28 to 31.
34. As per the principles consulted upon it is planned that there will be no Blue Badge vehicular access permitted during the Christmas Market.

35. Due to the limited size of the bin store at Silver Street it cannot last a full day without being emptied. A refuse truck needs to access the bin store at Silver Street to empty it during the day.
36. The city centre cleansing team have been trained to be reversing assistants to aid the movement of the vehicle during the busier Christmas Market times.
37. Given how high footfall is on Saturdays and Sundays- a way of reducing the movement of the refuse vehicles has been discussed with Counter Terrorism Policing and a refuse vehicle is parked before the busy period on a Saturday and Sunday, with several additional security measures in place.
38. This means the Hostile Vehicle Mitigation measures are planned to operate as per the Counter Terrorism Policing's advice that access should be limited to emergency services e.g. blue lights or emergency utility repairs. The only exception currently planned is the Shambles Market traders as detailed in paragraphs 28 to 31.
39. Significant work has been undertaken by Make it York and the Council working with organisations like the St. Sampson Centre to make this year's Christmas Market more accessible.
40. Each Christmas Market is planned a year in advance so officers have requested Make it York to explore how the 2025 Christmas Market may be able to be organised and be designed to permit Blue Badge vehicular access. This was also discussed at Economy, Place, Access and Transport Scrutiny in October 2024.
41. Notwithstanding the above Executive have asked to review the arrangements above and consider alternative arrangements to permit Blue Badge vehicular access.

Consultation

Previous Consultation

42. To inform the decision in October 2023 to review the removal of Blue Badge Holders' vehicular access the Executive requested an initial

consultation on the principles of permitting Blue Badge vehicular access within the Hostile Vehicle Mitigation measures.

43. The 2023 October Executive report detailed the consultation responses. In summary, the total number of responses was 3,126 with approximately 500 paper copies received.

44. The principles and levels of support were as follows:

- **Principle 1 - Return to previous access** – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council’s decision of November 2021 to make them permanent.
83% Agree, 12% Disagree, 5% Don’t know
Total responses = 2867
- **Principle 2 - City centre events** – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets).
61% Agree, 32% Disagree, 7% Don’t know,
Total responses = 2870
- **Principle 3 - Recognising Security Risks** – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004.
88% Agree, 7% Disagree, 5% Don’t know
Total responses = 2866
- **Principle 4 - Finding solutions** – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this
90% Agree, 5% Disagree, 4% Don’t know
Total responses = 2858
- **Principle 5 - Longer term improvements** – The Council is committed to considering and implementing longer-term

improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy

89% Agree, 4% Disagree, 7% Don't know

Total responses = 2861

45. There were 1223 detailed comments many of which contain personal data, but 188 provided a personal experience because of the restrictions, 125 provide suggestions on how things can be improved. (access and general ideas), 93 commented on the consultation (81 negative).
46. Due to the way the comments were provided using freetext we could identify the following groups:

Unknown	= 754	(unable to identify)
Disabled	= 319	
Elderly	= 12	
Business	= 7	
Family	= 2	
47. Comments for disagreeing with Principle 1 came from businesses, people who felt the streets would become unsafe and those who either thought the whole of the city centre would be opening up and not enough information to be able to make a decision
48. Although the majority agreed with principle 2 (and the requirement for restrictions for some city centre events) there were more comments against this principle than there were for it.
49. Most responses were in favour of principle 3, however there was concern that the Anti Terror Traffic Regulation Order could be used to close the city centre whenever the Council decided it wanted to.
50. A small number of comments were around deliberately delaying tactics to give the Council time to find excuses to change its mind on the commitment to reverse the ban.
51. This shows strong support for the principles but only 61% supported the principle "Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for

example during the Christmas Markets).” and 32% did not support this principle.

52. Officers recognised the lower levels of support for Principle 2: City centre events, that some events, as prior to the November 2021 decision, may require Blue Badge holders’ access to be suspended at times (for example during the Christmas Markets).

Consultation with Safety Advisory Group and Counter Terrorism Policing

53. Safety Advisory Groups provide a forum for discussing and advising on public safety at an event. They aim to help organisers with the planning and management of an event and to encourage cooperation and coordination between all relevant agencies. They are non-statutory bodies and so do not have legal powers or responsibilities, and are not empowered to approve or prohibit events from taking place. Event organisers and others involved in the running of an event, retain the principal legal duties for ensuring public safety.
54. However, other statutory agencies could use their powers, such as the Police using their road closure powers.
55. The Safety Advisory Group have considered the proposals for the Christmas Market.
56. They were specifically asked about some vehicular access for Blue Badge holders at limited times during this year’s Christmas Market.
57. Police Counter Terrorism Security advice was that they would not be in favour of allowing vehicle access into the city centre as it has the potential for hostiles to enter and indicated they will be pushing hard for the exclusion of Blue Badge holders at the time of any major events that are held in the 'sterile' zone.
58. It was also a concern that if vehicles were allowed access at quieter times, the temporary movable non-security barriers that define the limit of the Blue Badge vehicular access area, would need to be security-rated, meaning temporary Hostile Vehicle Mitigation measures may be needed.

59. In the preparation of this report the advice has been checked again and update is attached at Annex C.
60. The Counter Terrorism Advice has not changed; their advice generally has been that their preference is that Hostile Vehicle Mitigation measures create a sterile area at all times and that advice is a matter of public record.
61. The threat level indicates the likelihood of a terrorist attack in the UK. The level is set by the Joint Terrorism Analysis Centre and the Security Service (MI5).
62. There are 5 levels of threat:
 - low - an attack is highly unlikely
 - moderate - an attack is possible but not likely
 - substantial - an attack is likely
 - severe - an attack is highly likely
 - critical - an attack is highly likely in the near future
63. The threat to the UK (England, Wales, Scotland and Northern Ireland) from terrorism is substantial - an attack is likely.

Options Analysis and Evidential Basis

64. Option A – Note the approve the existing proposed arrangements for the Christmas Market in 2024, based on previous decisions which include the removal of Blue Badge vehicular access during the Christmas Market period, which have been agreed with both Counter Terrorism Policing and the Safety Advisory Group although does not accord with the advice of Counter Terrorism Policing as detailed in Annex C as it permits Shambles Market Traders access. Also note the commitment to work with Make it York on plans for 2025 to develop a Christmas Market offer that will permit Blue Badge vehicular access.
65. Option B – Permit Blue Badge vehicular access during the Christmas Market period on the routes that have been available for Blue Badge holders since January 2024 including the extended hours i.e. 10:30am to 7:00pm. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. Some Blue Badge holders already feel that the number of pedestrians is

an issue with Blue Badge vehicular access during the rest of the year. This would be heightened at Christmas given the additional significant additional footfall. The Blake Street to Lendal Loop is also the main walking route to the station and likely to be significantly busier.

66. Option C – Cancel the Christmas Market to reduce the risk and permit Blue Badge vehicular access. This has significant financial risk for the Council as the Council would be liable for the costs and lost income.
67. Option D – Permit Blue Badge vehicular access to the Goodramgate Loop excluding Church Street, after 5pm during the Christmas Market period, as happens for the Shambles Market traders. There would be no Blue Badge vehicular access to the Blake Street, St. Helen's Square and Lendal Route. This would provide equity for Blue Badge holders with the arrangements in place for the Shambles Market traders, but access would not be available in core footstreet hours 10:30am to 5pm. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. The figures show that whilst total footfall is significantly higher overall during the Christmas Market period than an August week, the peak hourly footfall after 5pm during the Christmas Market period is similar to peak hourly footfall during August. Parked Blue Badge holders' vehicles combined with the increased footfall may cause an issue for market traders and pedestrians to pass safely and add to a sense of overcrowding.
68. Option E – Permit Blue Badge vehicular access to the Goodramgate loop as detailed in Option D but limit this to Monday to Thursday during the Christmas Market period. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. Blue Badge vehicular access through the year so far has averaged 21 people Monday to Friday but 13 at weekends. Footfall through the Christmas Market is highest at weekends, closely followed by Fridays. The core footstreet hours are busier than the extended hours.
69. Option F – Permit Blue Badge holders' vehicular access to the Goodramgate loop as detailed in Option D but the hours of Blue Badge holders' vehicular access would be when pedestrianised

hours start at 10:30 until 12:00. This would be contrary to the advice of Counter Terrorism Policing and the Safety Advisory Group. . The peak footfall in these hours during the 2023 Christmas Market was 150% of the summer holiday peak at any time. Some Blue Badge Holders already feel that the number of pedestrians is an issue with blue badge vehicular access during the rest of the year.

70. It should be noted that there are wider options for future years, but these are options are limited by the time frames for the 2024 Christmas Market.
71. Should Executive be minded to approve an option other than Option A, then Executive need to recognise that they are changing the way traffic moves through an event at very short notice. Therefore, Make it York who have planned this event over the last year have limited ability to respond. As such the Executive in making such a decision are, in effect, accepting a level of risk. This is expanded upon in the risk section at the end of the report.
72. It is therefore for the Executive to determine if they wish to review the above arrangements and instruct a change regarding Blue Badge vehicular access during the Christmas Market period.
73. Should members choose Option B, D, E or F, the existing traffic regulation order does not need to be consulted upon to permit Blue Badge access. The current Traffic Regulation Order states:

“A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council's Head of Transport or a person authorised to grant such permission on behalf of the Council's Head of Transport.”
74. Should the Executive choose Option B, D, E or F, they would need to instruct the Head of Transport or appropriate officer to authorise those that staff the barriers to grant permission to access and egress the pedestrian area without a change to the Traffic Regulation Order.

Organisational Impact and Implications

75. When Executive have made previous decisions on Blue Badge vehicular access, they have weighed up the security advice with the impact on Blue Badge holders. It was, and remains, a difficult decision.
76. All previous decisions reports have made the decision makers aware that the impact on disabled people would be so extreme that they would have difficulty in accessing the pedestrianised street and that some disabled people would not be able to access the pedestrianised streets at all. This is the current situation for the Christmas Market compounded by the longer hours of the Christmas Market.
77. When considering the options, the Executive are required by law to consider if the options are reasonable and proportionate, having fully considered the Equalities Impacts.
78. The Executive therefore need to weigh up all the relevant considerations including the following key issues:
 - consider the advice from Counter Terrorism Policing and the right to life and duty to protect life,
 - consider the equalities and human rights benefits to Blue Badge holders of vehicular access during the Christmas Market period,
 - consider the increased number of pedestrians and the general road safety issues,
 - consider the equalities and human rights benefits by heeding the Counter Terrorism Policing advice,
 - consider the currently proposed mitigation of Blue Badge holders' vehicular access being restricted during the busiest events and the introducing an Anti-Terrorism Traffic Regulation Order for the events and circumstances of highest risk.
 - ***Financial***

As part of the 2024/25 budget, £200k was added to fund the costs of providing access to Blue Badge holders to the city centre. The main costs of this relates to the cost of security

staff at the main access and egress points. The cost of the security is approximately £13k per month so should this be extended through the Christmas Market period this would add £20k to current costs. This would need to be managed within the Transport budget.

The costs of cancelling the Christmas Market (not recommended) would be significant, particularly to Make it York, as stallholders would need to be repaid. There will also be a reduction in parking revenue compared to budget over the period.

- ***Human Resources.***
Some of the options may have additional staffing requirements for MIY and the Council or its contractors.
- ***Legal***

Traffic Regulation Orders

The Council, as Highway Authority and Local Traffic Authority is responsible for making Traffic Regulation Orders (TRO). The Council has a statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (having regard to the effect on amenities).

Any amendment to an existing Traffic Regulation Order will need to be effected in accordance with the relevant statutory procedures including the requirement for formal consultation and advertisement in the local press. Where objections are received, there is a duty on the Council to ensure that these objections are duly considered.

Public Sector Equality Duty

The Council must comply with the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. This means in relation to making a decision, the decision-maker must firstly understand their obligations under the PSED. This is a duty to have **due regard** to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010.
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention.

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>)

Secondly the decision maker must have sufficient relevant information and demonstrably take this information fully into account throughout the decision-making process.

The concept of due regard requires that there has been proper and conscientious focus on what the duty requires at 1-3 above. If that is done, a court cannot interfere with the decision simply because it would have given greater weight to the equality implications of than the decision maker did. However, the decision maker must be clear precisely what the equality implications are when they put them in the balance. A public body can lawfully conclude that other considerations outweigh the equality ones. This could include security concerns or available resources provided that the weight given to those countervailing factors is not irrational.

Thirdly, the courts have established that the potential impact of a decision on people with different protected characteristics is a mandatory relevant consideration. The manner of assessing that impact is discretionary. Often an Equality Impact Assessment is an appropriate tool but is not the only

available tool. It is the quality of the assessment whether that is presented in an EIA or some other evaluative report which is important.

Contract with Make it York

The Council has a contract with Make it York to provide market and events services. Members will need to be mindful that if any option other than option A is approved this could have implications in relation to that contract.

- ***Procurement***

Any changes to existing contracts may require formal variation which must be completed in consultation with procurement and legal.

- ***Environment and Climate***

The climate impacts are negligible from the options. The report and options define how the city centre environment is managed.

- ***Affordability***

There is not expected to be additional impacts from this report on low-income groups.

- ***Equalities and Human Rights,***

As per the previous sections of this report, the Council recognises, and needs to take into account its PSED under Section 149 of the EA 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

A full Equalities Impact Assessment was completed for the October 2023 decision as Annex G and is relevant <https://democracy.york.gov.uk/mgAi.aspx?ID=65945#mgDocuments>

although it did not specifically consider options to permit Blue Badge vehicular access after 5pm during the Christmas Market period or other popular events, as presented in this report (Options B, D E and F).

Specific equality considerations for the options considered in this report to enable vehicular access for Blue Badge holders during the footstreet hours for the Christmas market period can be summarised as follows:

- Age
 - Positive impact for older people who are more likely to hold a blue badge and to use the streets listed in the report for access and to park in the city centre. This positive impact will be limited to the times when vehicular access for blue badge holders is authorised (after 5pm for options D and E and on specific days for option E).
 - Some older people who are blue badge holders may find driving and parking in the footstreets before 7pm during the Christmas Market period difficult due to the higher number of pedestrians using the streets.
 - Allowing blue badge vehicular access during the Christmas Market's extended footstreet hours would have a negative impact for some older people and some younger people as some people benefit from a reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment (this benefit is reduced on the Goodramgate, Church Street, Colliergate corridor after 5pm as this is the route that market traders are allowed to use for vehicular access between 5pm and 7pm). This is especially important for some of these groups when the streets are busier due to the additional footfall for the Christmas market.
- Disability

- Having the ability to drive and park in the streets listed in the report will decrease the distance disabled people have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area more accessible. This positive impact will be limited to the times when vehicular access for blue badge holders is authorised (after 5pm for options D and E and on specific days for option E).
- Many respondents to the consultations and workshops have stated that the removal of blue badge parking and vehicular access has precluded them entirely from accessing the city centre during footstreets hours. This means that they haven't be able to access the services available in the footstreets. Many of the shops and services identified in the consultation are not open after 5pm, reducing the positive impact of allowing vehicular access after 5pm (under Options D and E)
- Some people who are blue badge holders may find driving and parking in the footstreets before 7pm during the Christmas Market period difficult due to the higher number of pedestrians using the streets.
- Allowing Blue Badge access during the Christmas Market's extended footstreet hours would have a negative impact for some disabled people as some benefit from a reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. This is especially important for some disabled people when the streets are busier due to the additional footfall for the Christmas Market (this benefit is reduced on the Goodramgate, Church Street, Colliergate loop after 5pm as this is the route that market traders are allowed to use for vehicular access between 5pm and 7pm). This is particularly the case for those living with sight loss or visual impairments and those who do not rely on blue badge vehicular access.
- Pregnancy and maternity – impacts are similar to those described above when considering people who may experience pregnancy related mobility impairments, especially in later stages of pregnancy, as they may be eligible for a blue badge; and people with young children who

- tend to benefit from significant reductions in motorised traffic during pedestrianised hours.
- Religion and/or belief - The key considerations (both positive and negative) are as those described above for older people and people living with a disability and apply to access to the St Sampson's Centre (Church Street), The Holy Trinity Church (Goodramgate), St Helen's Church (Stonegate), and St Martin le Grand (Coney Street).
 - Carer - The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.
- Specific human rights considerations for the options considered in the report to enable vehicular access for Blue Badge holders during the footstreet hours for the Christmas Market period can be summarised as follows:
- Article 2, Article 8 and Article 14 are specifically considered. In making a decision, the council must carefully consider the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as a proportionate means of achieving a legitimate aim.
 - If a decision is made to enable vehicular access for blue badge holders during the extended footstreet hours for the period of the Christmas Market, the risk profile changes and the decision needs to balance the right to life of the people working in and visiting York's pedestrianised area during the Christmas Market (Article 2) and the right to private life and to enjoy this right without discrimination (Articles 8 and 14).

- ***Data Protection and Privacy***

Data protection impact assessments (“**DPIAs**”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK GDPR. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all of our data protection obligations. It does not have to eradicate all risks but should help to minimise

and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve. As there is no personal data, special categories of personal data or criminal offence data being processed to inform the Consideration of changes to the City Centre Traffic Regulation order (Footstreets), there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions. However, there will need to be consideration and completion of DPIAs where required, within delivery of the plan.

- **Communications**

A supporting campaign is recommended, that clearly sets out the council's key messaging generally and shares it with affected groups. We will also be prepared to respond to any enquiries with reactive communications.

- **Economy**

With one in five of all households including people with disabilities, the Purple Pound – that is to say, the money that those households spend – represents a significant proportion of the UK economy. Disability charity Purple (<https://wearepurple.org.uk/the-purple-pound-infographic/>) have estimated the total value of the Purple Pound to be close to £300bn per annum for the UK, and using their methodology suggests that its value to York is £820m per annum. Around 10% of consumer spend in York happens in the city centre, so for the area under consideration in this report, the value of the Purple Pound is approximately £80m per annum, with around £16m of that coming from households which include a Blue Badge holder.

Risks and Mitigations

79. There are a range of risks which may arise from any decision, they may be financial, reputational, or legal risks depending on the specific circumstances.
80. The security advice is that the installation of Hostile Vehicle Mitigation measures are a significant improvement in the security of the city centre.

81. The security advice from Counter Terrorism Policing is that their preference is for only blue light vehicles to be permitted into the secure zone. Should Executive permit Blue Badge vehicular access through the Hostile Vehicle Mitigation measures during the Christmas Market period it adds a level of risk.
82. The assessment of risk is the likelihood of the risk manifesting itself combined with the consequence if the risk does manifest itself.
83. The most likely risk relates to a road traffic accident; whilst any immediate liability for such an accident would fall on the individual party who caused the accident, if it was found that the procedures put in place by the Council and/or Make It York (MIY) in respect of vehicular access were defective, the Council may be found to be contributorily negligent. This would lead to both financial loss for the Council and reputational damage.
84. Alongside this risk is the possibility of a terrorist incident, arising from a terrorist actor taking advantage of the enhanced access to conduct an attack further into the Christmas Market event. Whilst the likelihood of such an event may appear low, the catastrophic nature of such events means that serious consideration must be given to this eventuality and any consequences. Depending on the event in question, were any serious failings to be identified as a result of such an incident, the Council may be subject to a public inquiry process, criminal charges, and reputational damage as well as the wider impact on the wider economy. Criminal liability may arise through either corporate manslaughter charges in relation to the Council, and/or through manslaughter by gross negligence charges in relation to individuals.
85. In addition to the above, there is a risk that MIY will either decline to continue with the Christmas Market event, or that the named Event Organiser from MIY will decline to fulfil that role. This would present a number of both operational issues and risks, , the Council would not be in a position to fulfil that role (nor, if necessary, the role of event safety officer which requires specific crowd safety qualifications), and therefore could give rise to potentially significant financial claims against the Council for compensation and loss of earnings from traders and a dispute with Make it York.

86. Risk is something that officers and indeed police and counter terrorism experts can only advise on, the judgement call is for the Executive as decision maker to determine whether its appetite for risk lies against the impacts of such restrictions and whether the mitigations are proportionate.

Wards Impacted

87. Disabled people live in all wards, but the impact is only on Guildhall Ward

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	James Gilchrist
Job Title:	Director of Environment, Transport and Planning
Service Area:	Place Directorate
Telephone:	01904 552547
Report approved:	Yes
Date:	07/11/2024

Background papers

All relevant background papers must be listed.

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention.

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

Executive - February 2018 - City Transport Access Measures
<https://democracy.york.gov.uk/documents/g10196/Public%20reports%20pack%20Thursday%2008-Feb-2018%2017.30%20Executive.pdf?T=10>

Executive - September 2018 – City Centre Access and Priority 1 Proposals

<https://democracy.york.gov.uk/documents/g10472/Public%20reports%20pack%20Thursday%2027-Sep-2018%2017.30%20Executive.pdf?T=10>

Executive - August 2019 - My City Centre Project

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%2017.30%20Executive.pdf?T=10>

Executive - August 2019 - City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

<https://democracy.york.gov.uk/documents/g11108/Public%20reports%20pack%20Thursday%2029-Aug-2019%2017.30%20Executive.pdf?T=10>

Executive - February 2020 - City Centre Access – Phase 1 Proposals (Update)

<https://democracy.york.gov.uk/documents/g11116/Public%20reports%20pack%20Thursday%2013-Feb-2020%2017.30%20Executive.pdf?T=10>

Executive – June 2020 - City of York Council Recovery and Renewal Strategy

<https://democracy.york.gov.uk/documents/g12293/Public%20reports%20pack%20Thursday%2025-Jun-2020%2017.30%20Executive.pdf?T=10>

Executive - November 2020 - City of York Council Recovery and Renewal Strategy - November Update

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%2017.30%20Executive.pdf?T=10>

Executive - November 2020 - The Future of the Extended City Centre Footstreets

<https://democracy.york.gov.uk/documents/g12407/Public%20reports%20pack%20Thursday%2026-Nov-2020%2017.30%20Executive.pdf?T=10>

Executive Member for Transport – June 2022 - Footstreets Traffic Regulation Order Proposals

<https://democracy.york.gov.uk/documents/g12726/Public%20reports%20pack%20Tuesday%2022-Jun-2021%2010.00%20Decision%20Session%20-%20Executive%20Member%20for%20Transport.pdf?T=10>

Executive - November 2021 - My City Centre Strategic Vision - Adoption of Vision and Next Steps

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - November 2021 - Strategic Reviews of City Centre Access and Council Car Parking

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - November 2021 - Consideration of Changes to the City Centre Traffic Regulation Order.

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10>

Executive - July 2022 - City Centre Access Action Plan Update

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pack%20Thursday%2028-Jul-2022%2017.30%20Executive.pdf?T=10>

Executive - November 2022 - Pavement Café Licence Update

<https://democracy.york.gov.uk/documents/g13292/Public%20reports%20pack%20Tuesday%2022-Nov-2022%2017.30%20Executive.pdf?T=10>

Executive – October 2023 – Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)

<https://democracy.york.gov.uk/documents/g13931/Public%20reports%20pack%20Thursday%2012-Oct-2023%2017.30%20Executive.pdf?T=10>

Annexes

Annex A – Equalities Impact Assessment from October 2023

Annex B – Footfall figures

Annex C – Updated Counter Terrorism Security Advice

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City of York Council
Equalities Impact Assessment

Directorate:	Place		
Service Area:	Transport		
Name of the proposal :	Consideration of changes to the City Centre Traffic regulation order Review of decision to remove blue badge exemption for city centre access during the pedestrian hours		
Lead officer:	James Gilchrist/Helene Vergereau/David Smith		
Date assessment completed:	05/09/2023		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Helene Vergereau	Traffic and Highway Development Manager	CYC	Transport
Darren Hobson	Traffic Management Team Leader	CYC	Transport
James Gilchrist	Director of Transport, Environment and Planning	CYC	Transport
David Smith	Access Officer	CYC	Access

Step 1 – Aims and intended outcomes

<p>1.1</p>	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>In November 2021, the Executive took the decision to permanently remove the exemption which had previously allowed blue badge holders vehicular access to some of the pedestrianised streets, namely Blake Street, Lendal, S. Helen’s Square. Goodram Gate (between Deangate and King’s Square), Church Street, King Square and Colliergate.</p> <p>A new administration wishes to review that decision and has requested options to reinstate blue badge access.</p> <p>The current permanent TRO prohibits vehicles from accessing the footstreets between 10.30am and 5pm every day, historically there was an exemption for vehicles with a Blue Badge on the streets listed above. Other exemptions apply for emergency vehicles and where access has been permitted by the Highway Authority (waivers).</p> <p>The decision to remove access in November 2021 was based on over 18 months of public engagement with residents, businesses and interest groups including disability groups.</p> <p>In response to the new administrations wishes additional consultation has been undertaken on the principles of reinstating blue badge access on the same principles as previously and that has also informed the EIA.</p> <p>In making the decision to remove blue badge access a number of improvements were made to access including additional blue badge bays. These are not under review as part of the review of the exemption, although some projects which have not been delivered may be reviewed in the future, but will subject to a separate EIA.</p> <p>There are three options outlined in the report.</p> <p>Option 1 – revert to two separate phases of Hostile Vehicle Mitigation. This would allow the highest risk area focusing on parliament street to be emergency/blue light vehicle access only. Blue badge access could then be permitted to the outer area as it existed immediately prior to the COVID19 Pandemic as the area is a lower risk area, as defined by the original risk assessment.</p> <p>Option 2 – This option is to make no change to the way blue badge access into the pedestrianised area operates.</p>

Option 3 – is to allow blue badge access into the secure zone and reinstate the access exemption for vehicles with a Blue Badge for the streets listed below.

- Blake Street
- Church Street
- Colliergate
- Goodramgate (between Deangate and King's Square)
- King's Square
- Lendal
- St Helen's Square

This is contrary to the previous advice of the Counter Terrorism Policing Teams as it increases risk of terrorist attack. This risk could be reduced with the introduction of an Anti-Terrorism Traffic Regulation Order to give the police powers to remove any access for events or specific risks. Blue badge access was historically removed for the Christmas Market.

This EIA consider the options and supports decision makers in weighing up the conflicting issues

- The November 2021 report identified the significant impact that some blue badge holders would be excluded from the vehicular access to the pedestrianised streets as a result of the decision and others would find access harder. This is now the lived experience and a significant campaign to "Overturn the Ban" has taken place. To reinstate blue badge access would therefore reinstate and improve access for those blue badge who have been impacted.
- In striking a balance decision makers need to consider public safety and avoiding danger to persons in areas of high footfall, recognising the Council's duty to protect the public from terrorism. By permitting access it changes the risk of a vehicle as a weapon attack, however this risk could be mitigated to an extent by establishing a Anti Terrorism Traffic Regulation Order which would allow the Police to impose restrictions to be put in place to all vehicles in response to specific risks.
- The number of vehicles accessing the streets listed above changes the risk of conflict between vehicles and pedestrians, particularly in busy periods;
- It would reduce the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, with impact on the amenities of the footstreet area;

	<p>Option 2 laid out in the report is covered by the EIA completed in 2021 as part of the November decision session</p>
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<https://democracy.york.gov.uk/documents/s153763/Annex%20AA%20Blue%20Badge%20Exemption%20Removal%20EIA.pdf>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Relevant legislation includes:</p> <ul style="list-style-type: none"> • Equality Act 2010, which aims to protect people from discrimination in the workplace and in wider society. The Act includes a Public Sector Equality Duty, which requires public bodies to consider how their decisions and policies affect people with protected characteristics. The public body also should have evidence to show how it has done this It also requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The Equality Act 2010 covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. • Human Rights Act –sets out the fundamental rights and freedoms that everyone is entitled to. In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim. • Inclusive Mobility Guidance (Department for Transport 2005) • Protect Duty consultation documents (www.gov.uk/government/consultations/protect-duty) • Hostile Vehicle Mitigation guidance (www.gov.uk/government/publications/crowded-places-guidance/hostile-vehicle-mitigation-hvm#vehicle-as-a-weapon-vaw) • The Blue Badge scheme: rights and responsibilities in England (www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england) • Road Traffic Regulation Act 1984 and associated regulations relating to TROs, under which local traffic authorities in England and Wales (outside London) may make permanent orders for the following purposes: <ul style="list-style-type: none"> ○ To avoid danger to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising; ○ To prevent damage to the road or to any building on or near the road; ○ To facilitate the passage on the road or any other road of any class of traffic (including pedestrians);

	<ul style="list-style-type: none"> ○ To prevent 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; ○ To preserve the character of the road in a case where it is specially suitable for use by persons (...) on foot; ○ To preserve or improve the amenities of the area through which the road runs; or ○ To preserve or improve local air quality. <ul style="list-style-type: none"> ● The Business and Planning Act which creates a de regulated approach to pavement cafes.
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1.3	Who are the stakeholders and what are their interests?
	<p>Key stakeholders for this proposal are Blue Badge holders who were able to access and park in the streets listed above during footstreet hours before the temporary changes were made to the access exemptions, which were then made permanent in the November 2021 report.</p> <p>It is wrong to assume that all Blue Badge holders' feel the same way about what has happened or what should happen, but this is now based on significant and lived experience in a post pandemic world. There have also been changes in Council policy most notably by changing the conditions under which pavement cafes will be permitted.</p> <p>Other stakeholders include:</p> <ul style="list-style-type: none"> ● Other groups visiting the pedestrian area and accessing its shops and services; and ● City centre businesses and service providers (e.g. deliveries, trades, etc). <p>Their interests are wide ranging and include suitable access by a range of transport modes (private car, taxi/private hire, deliveries, cycling, walking), safety, and services and amenities available in the footstreet area.</p>

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans.
	<p>The new Council Plan contains four key commitments one of which is Equalities and Human Rights - Equality of opportunity and states</p> <p>“We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities”</p> <p>The decision seeks to balance the</p> <ul style="list-style-type: none"> • the significant impact on blue badge holders by the decision to exclude access to some of the pedestrianised streets and the exclusion this has had on some groups. • public safety and avoid danger to persons in areas of high footfall to reduce the risk of a vehicle as a weapon attack and the level of conflict between vehicles and pedestrians more generally, particularly in busy periods; • the use of some areas of the carriageway or footways as pavement café areas during footstreet hours, improving the amenities of the footstreet area;

Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
<p>Source of data/ supporting evidence</p>	<p>Reason for using</p>
<p>Public consultation</p>	<p>Consultation on Principles of reinstating blue badge access</p> <ul style="list-style-type: none"> <p>• Principle 1 - Return to previous access – This principle aims, subject to full consultation, to revert to the Blue Badge accessibility measures that were in place before the emergency COVID measures and the Council’s decision of November 2021 to make them permanent. 83% Agree, 12% Disagree, 5% Don’t know Total responses = 2867</p> <p>• Principle 2 - City centre events – Some events, as prior to the November 2021 decision, may require Blue Badge access to be suspended at times (for example during the Christmas Markets). 61% Agree, 32% Disagree, 7% Don’t know, Total responses = 2870</p> <p>• Principle 3 - Recognising Security Risks – In light of any security risk intelligence, the Police will have the power to lock down all access to the City Centre under an Anti-Terrorism Traffic Regulation Order, a counter-terrorism measure under the Civil Contingencies Act 2004. 88% Agree, 7% Disagree, 5% Don’t know Total responses = 2866</p> <p>• Principle 4 - Finding solutions – the Council Executive agrees to restore Blue Badge access through the new hostile vehicle barriers, then the council will work with Blue Badge holders on the detailed ways to achieve this 90% Agree, 5% Disagree, 4% Don’t know</p>

Total responses = 2858

- **Principle 5 - Longer term improvements** – The Council is committed to considering and implementing longer-term improvements to accessibility in the city, taking into consideration the needs and opinions of the community on an ongoing basis, including in the development of its Transport Strategy
89% Agree, 4% Disagree, 7% Don't know
Total responses = 2861

Reverse The Ban Petition

In October 2022 a Reverse the Ban Post Card Campaign was submitted to the council. This can be summarised as follows:

- 2,734 cards received,
- 2,074 were residents,
- 660 were visitors including people who work in York or visit York regularly from the surrounding areas and tourists,
- 677 responses contained additional written comments of which
 - 231 of which reference to the rights of disabled people under the Human Rights Act / disability discrimination,
 - 141 sight personal experiences including how the change has affected them emotionally,
 - 86 references to no longer being able to get into the city centre,
 - 15 references to political parties,
 - 4 references to terrorist activities,

My City centre engagement – this was an engagement with residents, businesses and special interest groups. This was an open discussion around what the city centre could look like in the future and was the foundation for the November 2020 Executive report.

City Centre Access Project - The extent of the footstreet area has been subject to ongoing discussions for a number of years as part of the City Centre Access project in response to the threat of terrorism as outlined in the report, and particularly the use of hostile vehicles as a potential mode of attack. This had led to the approval of a first phase of hostile vehicle mitigation measures for the existing permanent footstreet area, but with potential future phases to expand the area of protection.

Temporary Covid measures – When the temporary Covid measures were introduced, the Council engaged with approx. 450 individuals as well as advocacy groups representing thousands of people with disabilities and/or reduced mobility across the city. An open community brief detailed the main themes and challenges which these changes sought to address, and the summary of conversations with the city’s businesses and representative groups. The principles of the footstreets extension was broadly supported by a majority of respondents to the citywide survey, which was also reflected in the support from residents identifying themselves as disabled. There are tangible benefits for many, in particular blind and partially sighted people, children, and older people. However, the desire from many for footstreets and spaces to be vehicle free is in contrast to Blue Badge holders’ request for vehicular access to the pedestrianised area. These objections were articulated in a petition signed by 1,093 people, including 501 York residents, calling for the reversal of the changes.

Additional consultation undertaken for the November 2021 Decision to permanently remove blue badge access – A consultation took place to review available Blue Badge Parking on the outskirts of the city centre in April 2021. This took the form of an online questionnaire and two online workshops on 22 April 2021, one during the working day and one in the evening, to allow those working in disability organisations and professional advocates to attend, while also offering an out of office hours opportunity for those who may want to take part but are at work or unavailable during the day. This consultation was promoted through the media, on social media (tagging disability organisations), and to the following organisations: Alan Bott Charity, York Disability Rights Forum, York Human Rights City, York Programme for UN International Day of People with Disabilities, Jorvik Deaf Connections, Lollipop, York People First, MS Society, Older Citizens Advocacy York, Wilberforce Trust, Healthwatch York, My Sight York, York Carers Centre, York Carers Forum, York Parent Carer Forum, Age UK

	<p>York, Converge (York St John), Mind, York Advocacy (Mind), Learning Disability Self Advocates Forum, York Self Advocacy Forum, York Inspirational Kids, York Access and Mobility Club Facebook Group, York Older People's Assembly, York Dementia Action Alliance, CVS, York Wheels, Dial and Ride, Shopmobility, Inclusive Engagement, Individuals from CCA Exercise, Labour Women's Officer, York Cycle Campaign, Get Cycling, Sight Loss Council, York Accessibility Action, Action on Hearing Loss, British Deaf Association, York Disability Week, York ME Community, Blueberry Academy, and York Alzheimers.</p> <p>The engagement followed an open conversation approach, both online and offline, including direct conversations with individuals and advocacy groups. This allowed detailed discussions to take place with those who wished to engage in depth, and captured general views through an online survey, which was distributed to nearby residents, city centre businesses, and paper based questionnaires distributed across the city as requested. In total there were 540 survey responses completed, of the completed surveys 270 were completed by residents who are Blue Badge holders, 65 by residents who are not Blue Badge holders, 69 by carers of a Blue Badge holder, 7 from businesses (including taxi drivers) and 129 skipped the question.</p> <p>Statutory consultation for the November 2021 Decision - The statutory consultation for the amendment of the TROs was advertised on 9th July 2021, with an original end date of 6th August 2021, which was extended until 13th August 2021. 206 representations were received on the proposal to remove Blue Badge access exemptions, 5 in support and 201 against the proposal and detailed in the November 2021 report.</p>
Research report	<p>For the August 2019 Executive report, approving the permanent changes to the Traffic Regulation Order to deliver the Phase 1 Hostile Vehicle Mitigation proposals in the city centre, an independent review of Blue Badge Parking Access was also commissioned from Parking Perspectives a consultancy specialising in parking.</p> <p>In addition, Disabled Motoring UK, a charity and advocacy group for disabled people, were commissioned to produce an independent review of York's disabled access offer.</p> <p>Martin Higgitt Associates also produced an independent report</p> <p>The November 2020 Executive also commissioned a Strategic Review of City Centre Access in order to identify potential improvements to city centre access</p>
Surveys	<p>City Centre Access project - As part of this work, parking surveys were undertaken in the streets listed above in May 2019. This shows 86 parking events/day in the Goodramgate corridor, of which 80 vehicles displayed a Blue</p>

Badge. 86 parking events/day were also recorded on the Blake Street corridor, of which 49 vehicles displayed a Blue Badge.

Traffic surveys undertaken in 2018 and 2021 – Traffic surveys in the listed streets were undertaken as part of the City Centre Access project in 2018 and repeated in 2021. This shows the following number of vehicles accessing the streets listed below between 10.30am and 5pm (pedestrianised hours):

- Blake Street
 - Weekday: 139 motorised vehicles in 2018, 12 in 2021
 - Saturday: 100 motorised vehicles in 2018, 4 in 2021
- Lendal
 - Weekday: 161 motorised vehicles in 2018, 30 in 2021
 - Saturday: 106 motorised vehicles in 2018, 23 in 2021
- Colliergate
 - Weekday: 80 motorised vehicles in 2018, 39 in 2021
 - Saturday: 106 motorised vehicles in 2018, 27 in 2021
- Goodramgate
 - Weekday: 2018 data unavailable, 11 in 2021
 - Saturday: 106 motorised vehicles in 2018, 4 in 2021

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge	Action to deal with this	
Medium and long term policy context	<p>The Council has always committed to keep the operation of hostile vehicle mitigation measures under review, this is because the terror threat will change and potentially require adjustment, either allowing restrictions to be relaxed or potentially tightened bases upon threats.</p> <p>The medium term impact has already seen a change in council policy for instance the change to keeping 1.5 metres of footway clear. The ongoing lived experience is better understood but the ongoing exclusion has the potential to have greater impacts not just on those excluded but on the way the city centre business and uses respond to the restrictions.</p> <p>Therefore keeping any decisions under review is essential and the options outlined in the report seek to permit this to happen in agile way such as the Ant Terrorism Traffic Regulation Order. If blue badge access is permitted keeping under review new and emerging technology solutions could potentially different access solutions in the future.</p>	

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>
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Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Older people are more likely to hold a blue badge and to have used the streets listed above for access and to park in the city centre. Reinstating their ability to drive and park in the pedestrianised streets will reverse the exclusion some people have experienced and reduce the distance those with reduced mobility have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area more accessible during footstreet hours. This is also applicable to families with young children where a family member is a blue badge holder. Reinstating blue badge access would have a high positive impact for these groups.</p> <p>However, some older people supported the removal of blue badge holder access and would benefit from the reduction in the number of vehicles accessing the footstreet area, as it creates a safer, mainly car free, environment. Younger people, especially young children and families would also benefit from a reduced number of motorised vehicles in the streets listed above.</p>	<p>Mixed: Positive and Negative</p>	<p>Positive – High</p> <p>Negative – Medium</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Gender	No differential impact anticipated.	Neutral	
Gender reassignment	No differential impact anticipated.	Neutral	
Marriage and civil partnership	No differential impact anticipated.	Neutral	
Pregnancy and maternity	<p>The proposals have been identified as having a mixed impact on pregnancy and maternity when considering the potential impact on women who may experience pregnancy related mobility impairments, especially in later stages of pregnancy, as they may be eligible for a blue badge.</p> <p>By reinstating blue badge access, women living with pregnancy related mobility impairments who may hold a blue badge would again be able to park in the streets listed above to access the city centre. The removal of the access exemption has removed the ability to drive and park in these streets and increased the distance people living with disabilities/impairments have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible during footstreet hours.</p> <p>The change to allow blue badge holders' vehicles into the pedestrianised are would however have negative impacts for mothers, fathers and carers of young children as these groups tend to benefit from significant reductions in motorised traffic during pedestrianised hours, providing a safer environment for young children.</p>	Mixed: Positive and Negative	<p>Positive – high</p> <p>Negative – Medium</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Race and minority ethnic groups	No differential impact anticipated.	Neutral	
Religion and/or belief	<p>The proposals have been identified as having a mixed impact on access to places of worship in the footstreet area for people who live with reduced mobility or a disability and have a blue badge.</p> <p>The key considerations (both positive and negative) are as those described above for older people and people living with a disability and apply to access to the St Sampson's Centre (Church Street), The Holy Trinity Church (Goodramgate), St Helen's Church (Stonegate), and St Martin le Grand (Coney Street).</p>	Mixed: Positive and Negative	Medium
Sexual orientation		Neutral	
Other socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.	Mixed: Positive and Negative	Positive high Negative Medium
Low income groups	No differential impact anticipated.	Neutral	

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Veterans, Armed Forces Community	No differential impact anticipated.	Neutral	
Other	Not applicable	n/a	n/a
Impact on human rights:			
List any human rights impacted	<p>The Convention rights applicable are:</p> <ul style="list-style-type: none"> Article 2 - protects the right to life. In this case, its applicability relates to the requirement placed on the Government to take appropriate measures to safeguard life by making laws to protect people. Public authorities should also consider the right to life when making decisions that might put people in danger or that affect their life expectancy. This risk is being mitigated with an Anti Terrorism Traffic Regulation Order if the police are aware of specific risks Article 8 - protects the right of the individual to respect for their private and family life, their home and their correspondence. The private life part of this right covers things like wellbeing, autonomy, forming relationships with others and taking part in our community. Article 14 - protects the right to be free from discrimination when enjoying other rights, such as Article 8. <p>It is unlawful for a public authority to act in a way that is incompatible with a European Convention right (unless the authority could not have acted differently as a result of a</p>	<p>Mixed: Negative (Article 2)</p> <p>Positive (Article 8)</p> <p>Positive (Article 14)</p>	<p>High</p> <p>High</p> <p>High</p>

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>statutory provision). An interference with a qualified right (e.g. the right to respect for private and family life) is not unlawful if the authority acts in accordance with the law to achieve a legitimate aim and the interference is necessary in a democratic society in the wider public interest. In addition, the law applies a proportionality test, including whether a fair balance has been struck between the rights of the individual and the interests of the wider community.</p> <p>The removal of blue badge access and parking has had a negative impact on people's ability to live independently, attend appointments, see people who are important to them, and be part of their community.</p> <p>Should blue badge access be reinstated the risk profile does change and in order to protect the right to life of the people working in and visiting York's pedestrianised area an Anti Terrorism Traffic Regulation Order is proposed. As laid out in the report this would exist but only be used by the Police where a specific risk is identified and requires the Chief Constable to implement access restrictions.</p> <p>In making a decision the council must consider carefully the balance to be struck between individual rights and the wider public interest and whilst it is acknowledged that there could be interference with a Convention right, the decision must be reasonably justified as it is a proportionate means of achieving a legitimate aim.</p>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>By reinstating blue badge access it will increase the number of vehicles in the pedestrianised streets. This changes the risk profile in two aspects.</p> <ul style="list-style-type: none">• The intrinsic risk of vehicles in an area that there is a public expectation of no vehicles as it is otherwise pedestrianised, this does however mirror the risk prior to Covid, but does increases the risk of accidents between pedestrians and vehicles. This risk can be mitigated by ensuring that access is limited to those streets that blue badge holders previously had access to. This risk can also be further mitigated by removing the access for the busiest events. The Christmas markets removed blue badge access and this could continue removing the risk of an accident when the streets are at their busiest.• The presence of additional vehicles in the blue badge area means they can be used anywhere in the secure zone as a weapon, not necessarily by their owner nor have anything to do with a legitimate Blue Badge holder. This risk could be reduced with the introduction of a An Anti-Terrorism Traffic Regulation Order to give the police powers to remove blue badge access for events or specific risks. An Anti-Terrorism Traffic Regulation Order (ATTRO) is a counter terrorism measure pursuant to the provisions of the Civil Contingencies Act 2004.	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
<ul style="list-style-type: none"> • No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review. • Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations. • Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty. • Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed. <p>Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p>	
Option selected	Conclusions/justification
Continue with the proposal	<p>In making a decision the council must be able have considered that the decision is a proportionate means of achieving a legitimate aim.</p> <p>As presented above and in the main report, the decision has to balance:</p>

	<ul style="list-style-type: none">• Reinstating Blue Badge access to pedestrianised streets within the hostile vehicle mitigation measures making areas of the city centre accessible to those completely excluded and more accessible to others who were affected by the changes• Public safety and avoid danger to persons in areas of high footfall, supporting the implementation of hostile vehicle mitigation measures to reduce the risk of a vehicle as a weapon attack;• The level of conflict between vehicles and pedestrians in the footstreets, particularly in busy periods;
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Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
How is blue badge access achieved	Workshops and engagement with blue badge holders on how access through the Hostile Vehicle Measures is achieved	David Smith/Helene Vergereau	Ongoing, this may evolve based on the lived experience
Accessibility information	Provision of updated information on disabled parking and accessibility in York city centre	Helene Vergereau	January 2023
Is City Centre Bus Shuttle proposed as mitigation to excluding blue badge holders is still needed if blue badge access is reinstated	Engagement with those affected	Michael Howard	Summer 2024

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	The impacts of the proposal will continue to be monitored through the following activities: <ul style="list-style-type: none">• Ongoing liaison with blue badge holders;• Ongoing consultation and liaison with communities of interest;• Continuous review of the impact of highway measures, changes to government guidance, and compliance with equalities; guidance, and implement the mitigations set out in the report;

Footfall Patterns for Christmas Markets Planning 2022

			2022													
			9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	Total
First Full Week	21/11/2022	Mon	1,068	1,915	2,529	2,855	2,434	2,369	2,298	1,023	884	582	302	170	173	18,602
	22/11/2022	Tue	1,087	1,409	2,496	3,112	2,742	2,601	2,426	1,833	1,094	668	477	326	297	20,568
	23/11/2022	Wed	954	1,200	1,856	2,081	2,217	1,947	2,590	2,198	2,090	1,529	1,038	642	571	20,913
	24/11/2022	Thu	1,147	2,012	2,583	3,114	2,994	2,862	2,219	1,155	1,127	1,243	931	577	498	22,462
	25/11/2022	Fri	1,078	1,104	2,637	3,222	3,623	3,733	3,510	3,115	2,940	2,472	1,426	822	1,056	30,738
	26/11/2022	Sat	1,684	3,026	4,210	4,857	5,256	5,415	5,553	4,313	3,947	3,128	2,181	1,189	634	45,393
	27/11/2022	Sun	799	2,332	3,919	4,347	4,556	4,743	4,146	3,339	2,401	1,739	1,063	625	476	34,485
	Total			7,817	12,998	20,230	23,588	23,822	23,670	22,742	16,976	14,483	11,361	7,418	4,351	3,705
Second Full Week	28/11/2022	Mon	1,239	2,070	2,990	3,395	3,339	2,863	2,618	2,397	2,102	1,426	933	461	397	26,230
	29/11/2022	Tue	1,095	1,876	2,478	2,721	2,912	2,660	2,325	1,839	1,527	1,151	655	365	489	22,093
	30/11/2022	Wed	1,097	1,897	2,900	3,094	2,914	2,989	2,738	2,292	2,003	1,396	904	639	579	25,442
	01/12/2022	Thu	1,207	1,891	2,709	3,189	2,884	2,866	2,788	2,423	2,251	1,814	1,210	805	632	26,669
	02/12/2022	Fri	1,193	2,162	3,021	3,335	3,588	3,767	3,477	2,856	2,694	2,395	1,839	1,280	887	32,494
	03/12/2022	Sat	1,620	1,710	4,713	4,093	4,675	5,364	5,830	3,340	3,192	2,394	1,490	1,020	923	40,364
	04/12/2022	Sun	788	1,853	3,580	3,933	4,156	3,930	3,308	2,412	1,423	1,206	593	389	557	28,128
	Total			8,239	13,459	22,391	23,760	24,468	24,439	23,084	17,559	15,192	11,782	7,624	4,959	4,464
Third Full Week	05/12/2022	Mon	1,264	2,402	2,991	3,317	3,225	2,945	2,902	2,046	1,722	1,238	760	536	420	25,768
	06/12/2022	Tue	1,128	1,998	2,485	3,322	1,988	2,631	2,668	2,002	1,811	1,647	947	570	498	23,695
	07/12/2022	Wed	1,040	951	1,112	3,010	1,865	2,612	2,668	2,269	2,524	1,717	1,095	606	651	22,120
	08/12/2022	Thu	1,031	1,787	2,477	2,924	2,886	2,763	2,785	2,580	2,279	1,917	1,216	756	570	25,971
	09/12/2022	Fri	937	1,726	2,737	3,147	3,319	3,423	3,013	2,316	2,227	1,738	1,283	887	608	27,361
	10/12/2022	Sat	1,767	2,837	4,583	5,652	5,688	6,082	5,496	3,546	3,045	2,387	1,450	840	853	44,226
	11/12/2022	Sun	749	1,739	1,975	2,593	2,434	3,164	3,630	2,504	1,712	1,231	701	425	416	23,273
	Total			7,916	13,440	18,360	23,965	21,405	23,620	23,162	17,263	15,320	11,875	7,452	4,620	4,016
Fourth Full Week	12/12/2022	Mon	1,102	2,132	2,804	3,296	3,138	2,830	2,699	2,035	1,787	1,192	645	411	331	24,402
	13/12/2022	Tue	943	1,562	2,306	2,672	2,628	2,391	2,156	1,686	1,507	1,125	741	361	361	20,439
	14/12/2022	Wed	686	629	708	1,495	835	1,692	1,937	1,383	1,133	916	516	291	285	12,506
	15/12/2022	Thu	903	608	654	1,542	920	1,878	2,099	1,745	1,648	1,267	962	522	406	15,154
	16/12/2022	Fri	1,076	1,286	1,608	1,971	2,579	2,894	2,574	1,728	1,492	1,480	1,130	721	667	21,206
	17/12/2022	Sat	1,327	2,444	3,227	4,201	4,341	4,262	4,364	2,528	2,134	1,780	1,282	856	649	33,395
	18/12/2022	Sun	634	1,792	3,055	3,575	3,843	3,676	3,128	2,144	1,373	1,252	776	549	437	26,234
	Total			6,671	10,453	14,362	18,752	18,284	19,623	18,957	13,249	11,074	9,012	6,052	3,711	3,136
Combined	Mon	4,673	8,519	11,314	12,863	12,136	11,007	10,517	7,501	6,495	4,438	2,640	1,578	1,321	95,002	
	Tue	4,253	6,845	9,765	11,827	10,270	10,283	9,575	7,360	5,939	4,591	2,820	1,622	1,645	86,795	
	Wed	3,777	4,677	6,576	9,680	7,831	9,240	9,933	8,142	7,750	5,558	3,553	2,178	2,086	80,981	
	Thu	4,288	6,298	8,423	10,769	9,684	10,369	9,891	7,903	7,305	6,241	4,319	2,660	2,106	90,256	
	Fri	4,284	6,278	10,003	11,675	13,109	13,817	12,574	10,015	9,353	8,085	5,678	3,710	3,218	111,799	
	Sat	6,398	10,017	16,733	18,803	19,960	21,123	21,243	13,727	12,318	9,689	6,403	3,905	3,059	163,378	
	Sun	2,970	7,716	12,529	14,448	14,989	15,513	14,212	10,399	6,909	5,428	3,133	1,988	1,886	112,120	
	Total			30,643	50,350	75,343	90,065	87,979	91,352	87,945	65,047	56,069	44,030	28,546	17,641	15,321
Random week of Mid-Summer 1	01/08/2022	Mon	1,086	2,065	2,539	3,272	3,353	3,670	3,780	2,286	1,931	1,118	1,075	700	564	27,439
	02/08/2022	Tue	847	1,415	1,939	2,599	2,945	2,867	3,111	2,191	2,000	1,364	1,113	797	588	23,776
	03/08/2022	Wed	909	1,573	2,456	3,064	3,519	3,756	3,790	3,288	2,590	954	1,009	866	759	28,533
	04/08/2022	Thu	975	1,959	2,539	2,785	3,435	2,893	2,892	2,880	2,666	847	1,010	790	678	26,349
	05/08/2022	Fri	1,122	2,101	2,517	2,990	3,060	2,503	2,636	2,501	2,259	1,252	1,136	955	875	25,907
	06/08/2022	Sat	1,446	2,409	3,535	3,837	4,013	4,539	4,626	3,793	2,943	1,781	1,352	1,379	1,108	36,761
	07/08/2022	Sun	752	1,885	2,131	2,721	3,029	3,392	3,423	2,752	1,692	1,055	850	742	472	24,896
	Total			7,137	13,407	17,656	21,268	23,354	23,620	24,258	19,691	16,081	8,371	7,545	6,229	5,044
Random week of Mid-Summer 2	08/08/2022	Mon	1,045	1,876	2,531	3,008	3,293	3,427	3,538	2,916	2,261	1,143	984	788	620	27,430
	09/08/2022	Tue	990	1,781	2,598	3,411	3,580	3,549	3,757	2,211	2,284	1,506	1,220	914	708	28,509
	10/08/2022	Wed	740	1,490	2,278	2,907	3,032	3,267	3,274	2,830	2,345	918	904	770	707	25,462
	11/08/2022	Thu	717	1,544	2,043	2,264	2,777	2,232	2,090	2,232	2,239	809	797	615	583	20,942
	12/08/2022	Fri	845	1,713	2,111	2,678	2,683	2,034	2,117	1,940	2,007	1,128	1,093	856	786	21,991
	13/08/2022	Sat	1,032	1,980	2,904	3,132	3,233	3,594	3,679	2,989	2,402	1,518	1,216	1,208	950	29,837
	14/08/2022	Sun	590	1,641	2,041	2,430	2,592	2,972	3,026	2,458	1,599	982	813	617	472	22,233
	Total			5,959	12,025	16,506	19,830	21,190	21,075	21,481	17,576	15,137	8,004	7,027	5,768	4,826
Both			13,096	25,432	34,162	41,098	44,544	44,695	45,739	37,267	31,218	16,375	14,572	11,997	9,870	370,065

Footfall Patterns for Christmas Markets Planning 2023

			2023													
			9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	Total
First Full Week	20/11/2023	Mon	1,334	2,529	3,751	4,403	4,145	3,768	3,324	2,880	2,414	1,945	682	430	302	31,907
	21/11/2023	Tue	1,178	1,933	3,693	3,573	3,487	3,759	3,205	3,220	2,866	2,307	791	517	373	30,902
	22/11/2023	Wed	1,198	2,197	3,420	4,419	4,216	3,984	3,754	3,371	2,876	2,471	874	628	466	33,874
	23/11/2023	Thu	1,095	2,226	3,287	4,347	4,068	3,831	3,860	3,394	2,966	2,349	886	517	391	33,217
	24/11/2023	Fri	1,494	2,222	3,744	4,371	1,822	3,797	4,777	4,094	4,005	3,399	1,519	917	750	36,911
	25/11/2023	Sat	2,014	2,486	3,343	4,639	2,921	6,006	7,066	3,594	2,773	2,815	1,004	533	428	39,622
	26/11/2023	Sun	1,099	3,393	5,395	5,927	6,203	6,117	5,896	3,342	2,243	1,634	375	288	213	42,125
	Total			9,412	16,986	26,633	31,679	26,862	31,262	31,882	23,895	20,143	16,920	6,131	3,830	2,923
Second Full Week	27/11/2023	Mon	1,164	2,425	3,676	4,046	3,822	3,735	3,397	2,899	2,611	1,893	621	358	340	30,987
	28/11/2023	Tue	1,460	2,488	3,622	3,645	3,310	3,913	3,617	3,499	2,970	2,268	825	444	367	32,428
	29/11/2023	Wed	1,402	1,718	2,716	4,081	3,110	3,750	3,530	3,669	3,097	2,050	868	502	393	30,886
	30/11/2023	Thu	1,040	1,813	3,430	3,222	2,560	3,538	3,726	3,329	2,975	2,062	820	503	365	29,383
	01/12/2023	Fri	1,339	2,829	4,209	5,026	4,947	4,810	4,867	4,062	3,141	3,100	1,139	779	583	40,831
	02/12/2023	Sat	1,549	4,473	6,632	7,138	7,007	7,219	7,120	3,127	2,197	2,254	836	523	367	50,442
	03/12/2023	Sun	870	3,166	5,191	5,819	6,243	5,841	6,059	3,806	1,809	460	389	205	197	40,055
	Total			8,824	18,912	29,476	32,977	30,999	32,806	32,316	24,391	18,800	14,087	5,498	3,314	2,612
Third Full Week	04/12/2023	Mon	1,246	2,587	3,903	4,563	4,373	4,197	4,250	3,891	3,339	2,542	881	503	326	36,601
	05/12/2023	Tue	1,213	2,287	3,647	3,805	3,447	3,958	3,557	3,543	3,190	2,375	1,063	535	485	33,105
	06/12/2023	Wed	1,116	1,396	1,864	4,037	2,618	3,840	3,707	3,431	3,116	2,519	977	529	375	29,525
	07/12/2023	Thu	1,116	1,994	3,384	3,766	3,694	3,280	2,881	2,428	1,716	1,434	816	607	450	27,566
	08/12/2023	Fri	1,431	2,650	4,336	5,157	5,117	5,225	4,550	3,775	3,441	3,233	1,509	868	841	42,133
	09/12/2023	Sat	1,701	3,759	5,626	6,843	7,271	6,892	6,851	3,817	2,999	2,589	1,528	1,037	1,075	51,988
	10/12/2023	Sun	761	3,319	5,043	5,484	5,870	5,515	5,473	3,982	3,188	2,295	1,123	626	391	43,070
	Total			8,584	17,992	27,803	33,655	32,390	32,907	31,269	24,867	20,989	16,987	7,897	4,705	3,943
Fourth Full Week	11/12/2023	Mon	1,218	1,497	2,058	4,724	4,096	4,902	4,288	3,894	3,734	2,446	1,086	665	482	35,090
	12/12/2023	Tue	1,219	2,401	3,414	4,487	4,007	3,986	3,918	4,003	3,132	2,634	891	572	484	35,148
	13/12/2023	Wed	1,165	2,315	3,404	4,024	4,074	3,242	3,583	3,782	3,456	2,614	1,188	709	598	34,154
	14/12/2023	Thu	1,065	1,821	2,988	4,155	3,584	3,565	3,806	4,457	4,212	3,214	1,398	791	592	35,648
	15/12/2023	Fri	1,361	2,784	4,312	4,620	4,808	4,659	4,269	4,259	3,901	3,421	2,050	1,139	824	42,407
	16/12/2023	Sat	1,522	1,986	2,161	4,811	6,495	7,317	6,625	4,409	4,234	3,646	2,183	1,177	1,068	47,634
	17/12/2023	Sun	986	3,247	5,041	5,735	3,678	4,778	5,429	4,202	3,432	2,334	1,156	597	533	41,148
	Total			8,536	16,051	23,378	32,556	30,742	32,449	31,918	29,006	26,101	20,309	9,952	5,650	4,581
Combined	Mon	4,962	9,038	13,388	17,736	16,436	16,602	15,259	13,564	12,098	8,826	3,270	1,956	1,450	134,585	
	Tue	5,070	9,109	14,376	15,510	14,251	15,616	14,297	14,265	12,158	9,584	3,570	2,068	1,709	131,583	
	Wed	4,881	7,626	11,404	16,561	14,018	14,816	14,574	14,253	12,545	9,654	3,907	2,368	1,832	128,439	
	Thu	4,316	7,854	13,089	15,490	13,906	14,214	14,273	13,608	11,869	9,059	3,920	2,418	1,798	125,814	
	Fri	5,625	10,485	16,601	19,174	16,694	18,491	18,463	16,190	14,488	13,153	6,217	3,703	2,998	162,282	
	Sat	6,786	12,704	17,762	23,431	23,694	27,434	27,662	14,947	12,203	11,304	5,551	3,270	2,938	189,686	
	Sun	3,716	13,125	20,670	22,965	21,994	22,251	22,857	15,332	10,672	6,723	3,043	1,716	1,334	166,398	
	Total			35,356	69,941	107,290	130,867	120,993	129,424	127,385	102,159	86,033	29,478	17,499	14,059	1,038,787
Random week of Mid Summer 1	31/07/2023	Mon	1,062	1,832	2,507	2,943	2,740	2,550	2,511	2,146	1,628	1,375	929	607	476	23,306
	01/08/2023	Tue	1,183	1,885	2,412	3,047	2,897	3,640	3,098	2,358	1,953	1,212	969	651	512	25,817
	02/08/2023	Wed	921	1,471	2,030	2,470	2,445	2,353	2,695	2,470	1,813	1,292	980	530	505	21,975
	03/08/2023	Thu	1,244	1,707	2,466	3,345	3,492	2,632	2,663	2,536	1,952	1,303	1,023	696	537	25,596
	04/08/2023	Fri	1,122	1,581	2,242	2,546	2,664	2,794	2,458	2,591	2,332	1,458	1,183	734	678	24,383
	05/08/2023	Sat	1,105	1,877	2,605	2,933	3,181	3,296	3,251	2,859	2,457	1,659	1,249	1,077	936	28,485
	06/08/2023	Sun	834	1,904	2,626	2,993	2,899	2,777	3,042	2,598	1,582	1,144	1,111	686	629	24,825
	Total			7,471	12,257	16,888	20,277	20,318	20,042	19,718	17,558	13,717	9,443	7,444	4,981	4,273
Random week of Mid Summer 2	07/08/2023	Mon	1,075	1,904	2,646	3,417	3,905	4,006	3,335	2,535	2,115	1,386	912	623	524	28,383
	08/08/2023	Tue	1,139	2,050	2,555	3,256	3,709	3,459	3,267	3,111	2,173	1,340	888	671	565	28,183
	09/08/2023	Wed	1,029	1,900	2,392	3,355	3,250	3,200	2,680	2,175	1,887	1,313	1,099	784	730	25,794
	10/08/2023	Thu	1,154	1,873	2,394	2,733	2,768	2,747	2,722	2,678	2,030	1,312	1,037	839	683	24,970
	11/08/2023	Fri	936	1,892	2,522	2,794	3,220	3,098	3,286	2,636	2,309	1,431	1,173	1,059	909	27,265
	12/08/2023	Sat	1,240	2,074	2,839	2,781	3,037	3,029	3,070	3,120	2,613	1,666	1,494	1,093	1,064	29,120
	13/08/2023	Sun	784	1,457	2,314	2,359	2,415	3,179	2,889	2,296	1,476	1,092	904	647	569	22,381
	Total			7,357	13,150	17,662	20,695	22,304	22,718	21,249	18,551	14,603	9,540	7,507	5,716	5,044
Both			14,828	25,407	34,550	40,972	42,622	42,760	40,967	36,109	28,320	18,983	14,951	10,697	9,317	360,483

Footfall Patterns for Christmas Markets Planning 2022 to 2023 Change

		Percentage Change													
		9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	Total
First Full Week	Mon	25%	32%	48%	54%	70%	59%	45%	182%	173%	234%	126%	153%	75%	72%
	Tue	8%	37%	48%	15%	27%	45%	32%	76%	162%	245%	66%	59%	26%	50%
	Wed	26%	83%	84%	112%	90%	105%	45%	53%	38%	62%	-16%	-2%	-18%	62%
	Thu	-5%	11%	27%	40%	36%	34%	74%	194%	163%	89%	-5%	-10%	-21%	48%
	Fri	39%	101%	42%	36%	-50%	2%	36%	31%	36%	38%	7%	12%	-29%	20%
	Sat	20%	-18%	-21%	-4%	-44%	11%	27%	-17%	-30%	-10%	-54%	-55%	-32%	-13%
	Sun	38%	45%	38%	36%	36%	29%	42%	0%	-7%	-6%	-65%	-54%	-55%	22%
	Total	20%	31%	32%	34%	13%	32%	40%	41%	39%	49%	-17%	-12%	-21%	29%
Second Full Week	Mon	-6%	17%	23%	19%	14%	30%	30%	21%	24%	33%	-33%	-22%	-14%	18%
	Tue	33%	33%	46%	34%	14%	47%	56%	90%	94%	97%	26%	22%	-25%	47%
	Wed	28%	-9%	-6%	32%	7%	25%	29%	60%	55%	47%	-4%	-21%	-32%	21%
	Thu	-14%	-4%	27%	1%	-11%	23%	34%	37%	32%	14%	-32%	-38%	-42%	10%
	Fri	12%	31%	39%	51%	38%	28%	40%	42%	17%	29%	-38%	-39%	-34%	26%
	Sat	-4%	162%	41%	74%	50%	35%	22%	-6%	-31%	-6%	-44%	-49%	-60%	25%
	Sun	10%	71%	45%	48%	50%	49%	83%	58%	27%	-62%	-34%	-47%	-65%	42%
	Total	7%	41%	32%	39%	27%	34%	40%	39%	24%	20%	-28%	-33%	-41%	27%
Third Full Week	Mon	-1%	8%	30%	38%	36%	43%	46%	90%	94%	105%	16%	-6%	-22%	42%
	Tue	8%	14%	47%	15%	73%	50%	33%	77%	76%	44%	12%	-6%	-3%	40%
	Wed	7%	47%	68%	34%	40%	47%	39%	51%	23%	47%	-11%	-13%	-42%	33%
	Thu	8%	12%	37%	29%	28%	19%	3%	-6%	-25%	-25%	-33%	-20%	-21%	6%
	Fri	53%	54%	58%	64%	54%	53%	51%	63%	55%	86%	18%	-2%	38%	54%
	Sat	-4%	32%	23%	21%	28%	13%	25%	8%	-2%	8%	5%	23%	26%	18%
	Sun	2%	91%	155%	111%	141%	74%	51%	59%	86%	86%	60%	47%	-6%	85%
	Total	8%	34%	51%	40%	51%	39%	35%	44%	37%	43%	6%	2%	-2%	37%
Fourth Full Week	Mon	11%	-30%	-27%	43%	31%	73%	59%	91%	109%	105%	68%	62%	46%	44%
	Tue	29%	54%	48%	68%	52%	67%	82%	137%	108%	134%	20%	58%	34%	72%
	Wed	70%	268%	381%	169%	388%	92%	85%	173%	205%	185%	130%	144%	110%	173%
	Thu	18%	200%	357%	169%	290%	90%	81%	155%	156%	154%	45%	52%	46%	135%
	Fri	26%	116%	168%	134%	86%	61%	66%	146%	161%	131%	81%	58%	24%	100%
	Sat	15%	-19%	-33%	15%	50%	72%	52%	74%	98%	105%	70%	38%	65%	43%
	Sun	56%	81%	65%	60%	-4%	30%	74%	96%	150%	86%	49%	9%	22%	57%
	Total	28%	54%	63%	74%	68%	65%	68%	119%	136%	125%	64%	52%	46%	77%
Combined	Mon	6%	6%	18%	38%	35%	51%	45%	81%	86%	99%	24%	24%	10%	42%
	Tue	19%	33%	47%	31%	39%	52%	49%	94%	105%	109%	27%	27%	4%	52%
	Wed	29%	63%	73%	71%	79%	60%	47%	75%	62%	74%	10%	9%	-12%	59%
	Thu	1%	25%	55%	44%	44%	37%	44%	72%	62%	45%	-9%	-9%	-15%	39%
	Fri	31%	67%	66%	64%	27%	34%	47%	62%	55%	63%	9%	0%	-7%	45%
	Sat	6%	27%	6%	25%	19%	30%	30%	9%	-1%	17%	-13%	-16%	-4%	16%
	Sun	25%	70%	65%	59%	47%	43%	61%	47%	54%	24%	-3%	-14%	-29%	48%
	All	15%	39%	42%	45%	38%	42%	45%	57%	53%	55%	3%	-1%	-8%	40%
Random week of Mid Summer 1	Mon	-2%	-11%	-1%	-10%	-18%	-31%	-34%	-6%	-16%	23%	-14%	-13%	-16%	-15%
	Tue	40%	33%	24%	17%	-2%	27%	0%	8%	-2%	-11%	-13%	-18%	-13%	9%
	Wed	1%	-6%	-17%	-19%	-31%	-37%	-29%	-25%	-30%	35%	-3%	-39%	-33%	-23%
	Thu	28%	-13%	-3%	20%	2%	-9%	-8%	-12%	-27%	54%	1%	-12%	-21%	-3%
	Fri	0%	-25%	-11%	-15%	-13%	12%	-7%	4%	3%	16%	4%	-23%	-23%	-6%
	Sat	-24%	-22%	-26%	-24%	-21%	-27%	-30%	-25%	-17%	-7%	-8%	-22%	-16%	-23%
	Sun	11%	1%	23%	10%	-4%	-18%	-11%	-6%	-7%	8%	31%	-8%	33%	0%
	Total	5%	-9%	-4%	-5%	-13%	-15%	-19%	-11%	-15%	13%	-1%	-20%	-15%	-10%
Random week of Mid Summer 2	Mon	3%	1%	5%	14%	19%	17%	-6%	-13%	-6%	21%	-7%	-21%	-15%	3%
	Tue	15%	15%	-2%	-5%	4%	-3%	-13%	41%	-5%	-11%	-27%	-27%	-20%	-1%
	Wed	39%	28%	5%	15%	7%	-2%	-18%	-23%	-20%	43%	22%	2%	3%	1%
	Thu	61%	21%	17%	21%	0%	23%	30%	20%	-9%	62%	30%	36%	17%	19%
	Fri	11%	10%	19%	4%	20%	52%	55%	36%	15%	27%	7%	24%	16%	24%
	Sat	20%	5%	-2%	-11%	-6%	-16%	-17%	4%	9%	10%	23%	-10%	12%	-2%
	Sun	33%	-11%	13%	-3%	-7%	7%	-5%	-7%	-8%	11%	11%	5%	21%	1%
	Total	23%	9%	7%	4%	5%	8%	-1%	6%	-4%	19%	7%	-1%	5%	5%
Both	13%	0%	1%	0%	-4%	-4%	-10%	-3%	-9%	16%	3%	-11%	-6%	-3%	

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Annex C Update 6/11/2024 from Counter Terrorism Security Advisor

I want to make it clear that we would advise on 'no access' for either Blue Badge Holders, and any traders.

This has always been our advice from day 1 and I said as much in a recent conversation with James Gilchrist.

If however the council decides that they want to allow some 'limited' access for 'specific' vehicles then I would like to see some stringent access control measures with a protocol for the staff who are fully briefed to limit the risk as much as is possible which includes checks on ID at the entry point, a briefing to those allowed access about car key security, not allowing anyone else access to the vehicle whilst it is in the controlled area, securing the vehicle when it is parked up, park only in a designated area, and under no circumstances leaving the keys in the vehicle when it is unattended.

Those controlling the access barriers must not allow any 'tailgating' of vehicles, and ensure that only one vehicle is allowed in at any time.

If there are any doubts about the authenticity of either a vehicle or driver then they should be turned away and not allowed access. Managers of these staff members also need to fully understand what is expected including the CCTV operators.

I guess restricting the timing as to when such vehicles can enter does reduce the risk slightly, I would imagine that the Xmas market is still very busy between 5pm & 7pm therefore the control measures must be robustly enforced if this proposal is agreed to.

Furthermore, the council must accept that there is an increased risks to safety and security of the controlled area resulting from their decision.

We must guard against 'mission creep' with regards to the scheme and access.