

	<p align="center">Community Leadership Committee</p> <p align="center">24 June 2015</p>
<p align="center">Title</p>	<p>Update on the new Local Authority statutory duty to have ‘due regard’ in its functions to prevent people being drawn into terrorism. (Introduced in the Counter Terrorism and Security Act 2015)</p>
<p align="center">Report of</p>	<p>Jamie Blake Commissioning Director, Environment, Commissioning Group.</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Enclosures</p>	<p>Appendix 1: Expected Outcomes and Progress</p>
<p align="center">Officer Contact Details</p>	<p>Kiran Vagarwal, Kiran.vagarwal@gmail.com 0208 359 2953</p>

Summary

This report provides an update on the council’s progress and future partnership work to implement the new statutory duty for Local Authorities to ‘have due regard, in the exercise of its functions, to prevent people from being drawn to terrorism’ as set out in the Counter-Terrorism and Security Act 2015.

The other specified bodies listed in the Act include the police, prisons, schools and universities. The broader implications of this act on partnership working will be addressed and developed by the Safer Communities Partnership Board.

The Home Office are providing up to £85,000 funding to Barnet to recruit a Prevent Co-ordinator to support the council and its partners in delivering on Prevent. The Council and its partners will also be able to secure up to three intervention projects. The funding is for one year (2015-2016).

Annually the Metropolitan Police produce a Counter Terrorism Local Profile (CTLP) which is shared with the council. This is a restricted document. The expectation is that the council and its partners develop a local action plan in response to the CTLP and this is overseen by the Safer Communities Partnership Board.

There are three areas the council is currently focussing on:

- i. To ensure the council is compliant with the statutory duty of PREVENT.
- ii. To co-ordinate the partnership action in response to the CTLP.
- iii. To provide relevant and appropriate briefings and training to staff, members and partners.

Recommendations

- 1. That the Committee note the new duty on Local Authorities to ‘have due regard, in the exercise of its functions, to prevent people from being drawn to terrorism’ and the challenges to implement this legislation highlighted in the report.**
- 2. That the Committee note the action taken to date and the future partnership action.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Counter -Terrorism and Security Act received Royal Assent on 12 February 2015. The Act will disrupt the ability of people to travel abroad to engage in terrorist activity and then return to the UK, enhance the ability of operational agencies to monitor and control the actions of those who pose a threat, and combat the underlying ideology that feeds, support and sanctions terrorism.
- 1.2 The Prevent Strategy is a key part of the Government’s overall counter terrorism strategy ‘CONTEST’. The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. In the Act this has been expressed as the need to “prevent people from being drawn into terrorism”.
- 1.3 The Prevent strategy was changed in 2011 to deal with all forms of terrorism and with non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists then exploit.
- 1.4 It made clear that preventing people becoming terrorists or supporting terrorism requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups. The strategy also means intervening to stop people moving from extremist (albeit legal) groups into terrorist-related activity.

- 1.5 The 2015 Act has made the delivery of 'PREVENT' a legal requirement for statutory agencies. It:
- Creates a new duty on certain bodies to have due regard to the need to prevent people from being drawn into terrorism. The duty will apply to bodies including local authorities, police forces, some NHS bodies, schools, further and higher education providers, prisons and young offender institutions and providers of probation services
 - Allows the Secretary of State to issue guidance to those bodies on how the duty should be fulfilled.
 - Gives the Secretary of State the power to direct a body to take certain action, which would be used to enforce compliance where the Secretary of State is satisfied that the body has failed to discharge the duty. These directions would be enforceable by a court order.
 - All local areas need to ensure that, as a minimum, they understand the local threat and judge whether activities underway are sufficient to meet it.
 - The duty does not confer new functions on any specified authority. The term "due regard" as used in the Act means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions. Statutory guidance has been issued to assist authorities to decide what this means in practice.
- 1.6 The Home Office have agreed to fund a local Prevent Co-ordinator to support the delivery of the Prevent agenda. Additional Home Office grant is available to fund Prevent projects and activities. The Home Office will continue to have oversight of local Prevent co-ordinators and the funding, evaluation and monitoring of these projects.
- 1.7 Barnet's 2015-2020 Community Safety Strategy includes a commitment to respond to Counter Terrorism and radicalisation.
- 1.8 The 2015/2016 Commissioning Plan presented at the Community Leadership Committee on 11 March 2015 asked the committee to note the new duty on Local Authorities to the Prevent programme.
- 1.9 **Appendix one** sets out the statutory duties relevant to the council and the actions Barnet Council will need to taken to be compliant. Comments have been provided on action take so far.
- 1.10 Part 5, Chapter 1 of the Act places a duty on Local Authorities to 'have due regard, in the exercise of its functions, to prevent people from being drawn to terrorism'. Local authorities will be expected to:

- i. Establish or make use of an existing local multi-agency group to agree risk and co-ordinate prevent activity (these multi-agency groups, through local authorities, will be expected to put in place arrangements to effectively monitor the impact of Prevent work).
- ii. Use the counter-terrorism local profiles (CTLP) to begin to assess the risk of individuals being drawn into terrorism.
- iii. Engage with Prevent coordinators, schools, universities, colleges, local prisons, probation services, health, immigration enforcement and others as part of the risk assessment process.
- iv. Mainstream the prevent duty so it becomes part of the day-to-day work of the authority, in particular children' safeguarding.
- v. Any local authority that assesses, through the multi-agency group, that there is a risk will be expected to develop a PREVENT action plan.
- vi. Ensure frontline staff have a good understanding of Prevent, are trained to recognise vulnerability to being drawn into terrorism and are aware of available programmes to deal with this issue.
- vii. Part 5, Chapter 2 of the Act provides a statutory framework for a joint local authority/ police panel to assess the extent to which identified individuals are vulnerable to being drawn into terrorism and to put in place a support plan. This is referred to as the Channel process and is now one of the statutory duties.

Monitoring of Local Authority compliance

- 1.11 In fulfilling its central monitoring role the Home Office can (and already does):
 - Scrutinise local Prevent action plans, project impact and overall performance.
 - Work with local authority 'peers' to provide targeted assistance and manage a peer review process to help authorities develop good practice.
- 1.12 In monitoring compliance with this duty the Home Office expects to use existing mechanisms for example Ofsted inspections. Under Section 10 of the Local Government Act 1999 the Secretary of State may already appoint an inspector to assess an authority's compliance with its statutory "best value" duty in relation to one or more of the specified functions.
- 1.13 If the Secretary of State is satisfied that a council has failed to discharge its "best value" duty in relation to the new Prevent duty, it would be open to him to use his powers under Section 15 of the Local Government Act 1999 to intervene. This could include requiring the council to undertake specific actions, appointing Commissioners and transferring some of the council's functions to them.
- 1.14 The Secretary of State must consult the council before issuing a direction.

- 1.15 The Secretary of State may also direct a local inquiry to be held into the exercise by the authority of specified functions.
- 1.16 In addition to the powers above, the Act provides the Secretary of State with the power to issue a direction where a local authority has failed to discharge the duty

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommendations relating to the new local authority statutory duty set out in the Counter-Terrorism and Security Act 2015 are being made in order to ensure:
- Members of the Community Leadership Committee are aware of the new duty, the requirements specifically relating to the council and some key challenges the local authority may face when implementing.
 - Barnet uses an existing multi-agency group (Safer Communities Partnership Board) to agree risk and co-ordinate prevent activity, ensuring that arrangements are in place to monitor the impact of Prevent work.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Not relevant in relation to this report.

4. POST DECISION IMPLEMENTATION

- 4.1 The post of Prevent Co-ordinator will be recruited to.
- 4.2 A multi-agency action plan will be produced setting out the local actions in respond to the CTLP.
- 4.3 The multi-agency action plan will be considered at the next Safer Communities Partnership Board on 24 July 2015.
- 4.4 The Home Office certified 'WRAP3' Prevent training will be delivered to front line staff of the council throughout June and July 2015.
- 4.5 The partners will decide what interventions are appropriate for Barnet and respond to the issues raised in Barnet's CTLP.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015-20 sets out the following strategic objectives:

That Barnet Council, working with local, regional and national partners, will strive to make sure the Barnet is the place:

- Of opportunity, where people can further their quality of life.
- Where responsibility is shared, fairly.

- Where people are helped to help themselves, recognising that prevention is better than cure.
- Where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The work of the Safer Communities Partnership delivers on the corporate commitment to ensure Barnet is amongst the safest places in London, with high levels of community cohesion, and residents feeling safe.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The Home Office are providing funding of up to £85k to secure the post of the PREVENT Co-ordinator and three projects for 2015-2016. There are no significant resource implications arising from the recommendations of this report.

5.3 Legal and Constitutional References

5.3.1 Under s.17 of the Crime and Disorder Act 1998, it is a duty of the Council (and other partner agencies, including police, fire & rescue, GLA, TfL) when exercising its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder (including anti-social behaviour), misuse of drugs, alcohol and other substances and re-offending.

5.3.2 Part 5, Chapter 1 of the Counter-Terrorism and Security Act 2015 places a duty on Local Authorities to 'have due regard, in the exercise of its functions, to prevent people from being drawn to terrorism'

5.3.3 The Council's Constitution (Responsibility for Functions – Annex A) sets out the Terms of Reference of the Community Leadership Committee which includes:

- To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti fly-tipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.
- To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.

5.4 Risk Management

5.4.1 The risk to the council and its partners is more relevant in terms of ensuring that any individual who is at risk of radicalisation or involved in counter terrorism is identified, assessed and appropriate action taken to address their behaviour. This risk is being managed by ensuring staff are trained, clear

processes are in place and the monthly panel (Prevent) is promoted across the council and its partners so that any individual identified can be referred to the monthly Prevent meetings.

- 5.4.2 The council will establish a small working group which will include officers from Emergency Planning, Equalities, Community Safety, Children's Services, Adults Services to manage the delivery of the council actions to ensure the council is compliant with the new statutory duty.

5.5 Equalities and Diversity

- 5.5.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty to which the authority must have regard. The Council's public sector equality duty is set out in s149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

- 5.5.2 The United Kingdom's counter-terrorism and security powers are not aimed at a particular race, ethnic group, religion or any other section of society. They are aimed at terrorists and criminals, whatever their background. Barnet Community Safety Partnership is committed to working with all communities that are affected by terrorism and crime with the shared aim of tackling these issues. This includes trying to minimise the impact that particular powers may have on some communities and improving communication to minimise the perception that powers may be aimed at or targeted against specific communities.

5.6 Consultation and Engagement

- 5.6.1 Briefings for elected members will be delivered by September 2015.
- 5.6.2 The local police counter terrorism intelligence officers continue to engage with members of the community and community and voluntary organisations. Once in post, the Prevent Co-ordinator will also engage with the local community and work closely with the Communities Together Network (CTN).

6. BACKGROUND PAPERS

- 6.1 Community Leadership Committee, 11 March 2015. Agenda item 7, Commissioning Plan 2015-2020 – the Committee noted the new local authority duty set out in the Counter-Terrorism and Security Act 2015.

