

15 June 2021		ITEM: 5
General Services Committee		
Response to Motion at Council 27 January 2021 – Request for Committee		
Wards and communities affected: All	Key Decision: Non Key	
Report of: Ian Hunt, Assistant Director of Law and Governance and Monitoring Officer		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

At its meeting of the 21 January 2021 Council passed a resolution to request a report for the formation of a Prevent Committee. This report responds to that resolution and makes recommendations which enable General Services Committee to consider the formation of a committee and make recommendations to Council.

The report highlights related matters in relation to the proposals.

1. Recommendations

1.1 That the General Services Committee recommends to Council establishes a Hidden and Extreme Harms Prevention Committee, with the following provisions:

1.1.1 That the Terms of Reference set out in Appendix A be adopted;

1.1.2 That, in accordance with the requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the allocation of seats to political groups, on the Committee, be approved as Conservative 4, Labour 2;

1.1.3 That the nominations of Political Groups to the Committee, to be received at the meeting, be approved;

1.1.4 That nominations be received at the meeting for the positions of Chair and Vice Chair of the Committee and approved;

1.1.5 That the Prevent Violent Extremism Members Working Group, as referred to in Chapter 12 of the Constitution, be formally disbanded;

1.1.6 That the amendments to Chapter 1, 5 and 12 of the Constitution, as set out in paragraphs 3.7, 3.17 and 3.24, be approved; and

1.1.7 That the Assistant Director Law and Governance and Monitoring Officer be authorised to make the necessary consequential amendments to the Constitution.

2. Introduction and Background

2.1 At its meeting of the 21 January 2021 Full Council approved a motion proposed by Councillor Anderson in the following terms:

Given the great importance the Conservative government has placed on the “prevent” agenda in terms of countering extremism, and the need to consider all of the human trafficking and modern day slavery implications of illegal entry and Unaccompanied Asylum Seeking Children, especially in areas with a large waterfront or port industry, the chamber wishes to have an appropriate member’s forum for “prevent”.

Therefore, following the procedure used to constitute the Corporate Parenting Committee as a formal Council Committee, we instruct the monitoring officer to present relevant terms of reference for the next meeting of the Full Council to help better protect our communities and those who come into our care.

2.2 This report responds to this motion and provides a potential structure for Members to consider.

2.3 The motion refers to a number of different frameworks and regimes which the Council has responsibilities in relation to:

- Prevent;
- Human trafficking and modern day slavery; and
- Unaccompanied Asylum Seeking Children

2.4 These areas of work are already subject to Member engagement through a number of different forums; the formation of a new committee could unify work in relation to this agenda and enable a holistic view to be taken, however it also has the risk of duplicating effort. The following sections highlight the key responsibilities of the Council and the existing scrutiny and Member responsibilities.

Prevent:

2.5 The Council has a duty under the Counter-Terrorism and Security Act 2015, in the exercise of its functions to have “due regard to the need to prevent people from being drawn into terrorism”. This duty is shared with a number of other public bodies including criminal justice agencies including prisons, educational

and childcare establishments, health and the police. The Council updated its Prevent Strategy last year publishing the 2020/23 strategy in October 2020.

- 2.6 Prevent addresses all forms of terrorism. According to the 2020 Channel Duty guidance the most significant of these threats is currently from terrorist organisations associated with Al Qa'ida, Daesh, terrorists associated with extreme right-wing ideologies and lone actors inspired by such organisations. Clearly this list evolves over time and is not exhaustive.
- 2.7 The recently published Home Office Prevent handbook for Elected Members states: "Elected Members are crucial for successful delivery of Prevent, by overseeing and scrutinising local plans which ensure that citizens are kept safe, and vulnerable people are given safeguarding support from the harms of radicalisation. Elected Members also play a critical role in representing members of their local community. They act as both a voice of local citizens; raising issues and concerns, whilst speaking on behalf of the Local Authority to communicate how policies and programmes operate."
- 2.8 The handbook outlines three key roles for Elected Members in shaping and delivering Prevent activity locally:
- 1) Leadership and Direction;
 - 2) Community Dialogue; and
 - 3) Scrutiny: Elected Members may also consider their role in providing transparency and accountability in delivering Prevent through formal scrutiny procedures. By holding to account the local delivery of Prevent, improvements can be made to implementation, and communities can be reassured by increased transparency.
- 2.9 The Council's existing structures for the management of its obligations for prevent include:
- Leadership from the Leader of the Council within his Portfolio Responsibilities;
 - Formal Member scrutiny through:
 - Cleaner, Greener and Safer Overview and Scrutiny Committee;
 - Prevent Violent Extremism Members Working Group;
 - Childrens Overview and Scrutiny Committee;
 - The Community Safety Partnership;
 - Overseeing both the Prevent Strategic Board and the Channel Panel.
- 2.10 Counter Extremism and Terrorism (and within this the Prevent agenda) is one of the five priorities of the Community Safety Partnership, the scrutiny and oversight of the partnership is formally undertaken by the Cleaner, Greener and Safer Overview and Scrutiny Committee.

Human Trafficking and Modern Day Slavery:

- 2.11 Human Trafficking and modern day slavery is nationally led by the National Crime Agency under the auspices of the Home Office. The Modern Slavery Act 2015 created specific criminal offences and codified the law in this area.
- 2.12 The 2015 Act placed a specific duty on Local Authorities to report to the Home Office where it has reasonable grounds to believe that an individual may be the victim of slavery or human trafficking. Given that these issues are criminal matters the Councils general duties in relation to crime and disorder would also be relevant. Essex Police has its own lead units for this area of work.
- 2.13 The Community Safety Partnership, treats this as part of its Violence and Vulnerability priority and considers and looks at the wider work across the partnership in respect of these issues. This is included in the oversight work of the Cleaner, Greener and Safer Overview and Scrutiny Committee. The Leaders Portfolio of Public Protection and Anti-Social Behaviour provides leadership in this area.
- 2.14 Within the remit of the wider Community Safety Partnership there are linked Port Watch meetings, which support collaborative work in this area.
- 2.15 The Council is further engaged in the national referral mechanism and the wider safeguarding of victims through the Councils formal safeguarding functions (for both Adults and Children). The Councils processes are undertaken in line with the common Southend Essex and Thurrock Safeguarding policies and procedures.

Unaccompanied Asylum Seeking Children:

- 2.16 The Council has a responsibility for Unaccompanied Asylum Seeking Children (UASC). An unaccompanied asylum seeking child is defined as an individual who is: under 18 years of age when the claim is submitted; applying for asylum in their own right; separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.
- 2.17 Where a UASC is within Thurrock they are entitled to the same local authority support as any other looked after child, and our ambitions for these children are the same: to have a safe and stable placement, to receive the care that they need to thrive, and the support they need to fulfil their educational and other outcomes. In this respect the Council owes the exact same duties of care and enquiry as it would with any other child in care.
- 2.18 The Portfolio Holder for Children and Adult Social Care, has the responsibility for Member leadership in relation to this issue. The Corporate Parenting Committee, is established to provide additional Member support to the Portfolio Holder to ensure that all parts of the Council work together to provide the best possible service for looked after children, this includes those categorised as UASC. The Corporate Parenting Committee is not decision making but advises the portfolio holder. There is further formal scrutiny of the function through the Childrens Services Overview and Scrutiny Committee.

2.19 It should be noted that whilst UASC are claiming asylum, it does not mean that there is a direct link to either the Prevent or Modern Slavery and Human Trafficking frameworks highlighted above.

3. Issues, Options and Analysis of Options

3.1 Members have requested that proposals for a new committee are prepared for consideration. Members have three principal options.

- Retention of the existing arrangements;
- Modification of the existing arrangements without the formation of a new committee; or
- The formation of a new committee.

3.2 Members may consider that the existing arrangements provide an adequate basis for their engagement in this agenda, equally with the additional detail provided Members may consider that there is a need for some modification of the existing arrangements. As noted above all three principal areas of work are covered by other committees, although not with a single focus as is proposed.

3.3 A new committee with a more specific focus has the capacity to provide additional support to the Council and particularly relevant Portfolio Holders, whilst noting that this will mean that there are overlaps and an element of duplication. This duplication can be managed through effective management of the committees work programme.

3.4 The following parts of this report are prepared to set out the considerations required of Council if it wishes to establish a new committee, these are set out below.

Terms of Reference for a new Committee:

3.5 The Council will need to set formal terms of reference for the committee. In recognising that this has been proposed along the model of the Corporate Parenting Committee, the key clarity that the committee is advisory to the relevant Portfolio Holders and not decision making has been replicated.

3.6 The proposed committee terms of reference are set out in Appendix A. If approved these will be included in Chapter 5 of the Constitution with appropriate cross referencing of the committees formation and composition in Part 1 section 1.1.

3.7 Having reviewed the aspiration that this committee has a remit to consider a range of subjects and not just Prevent it is proposed that the committee be called the "Hidden and Extreme Harms Prevention Committee" this would mitigate the risk of confusion between a specific national framework and this specific committee.

3.8 The motion has proposed broadly following the approach of the Corporate Parenting Committee in terms of its approach and format. The committee whilst being able to consider the work and the approach of the Council would not benefit from the wider statutory framework underpinning a formal Scrutiny Committee. Equally it should be recognised that the committee does not have formal decision making powers, although through its work it may highlight areas where it considers that either comments or proposals ought to be directed to a Portfolio Holder or a relevant Scrutiny Committee.

Membership:

3.9 It is proposed that the committee is comprised of 6 members. The Local Government and Housing Act 1989 requires that seats on committees and sub-committees should be allocated in proportion, insofar as is reasonably practicable, to the proportion of seats held by each group on the Council as a whole.

3.10 The political balance of the Council was set at the Annual Meeting of Council. If the committee is approved this would increase the total number of seats on committees from 81 to 87. With the current political proportions on the Council also taking into account the wider proportions across all committees this would give the following committee seats:

Conservative:	4
Labour:	2

3.11 If Council determines that it wishes to form the committee, then it will need to determine the allocation of seats as well as seeking and considering nominations from Group Leaders to these positions.

3.12 In accordance with Council Procedure Rule 28.1 in addition to appointing the Members of the Committee Council will also be asked to consider the appointment of Substitute Members in equal numbers to those appointed by each group.

3.13 In considering appointments Council will also be asked to appoint a Chair and Vice Chair of the committee.

Public Participation:

3.14 The Committee will if established be subject to the formal requirements of public participation as set in the legislation, therefore the meeting will be open to the public to attend unless the business of the meeting warrants moving into private session.

3.15 It is expected that there will be times when there are specific matters where there is a need to move into private session given the information being discussed, given the context it is anticipated that this will be a frequent

element of these meetings. This will be managed in accordance with the legislation and the Council constitution.

- 3.16 Article 3 of the Constitution provides for specific rights of Public Participation for specified committees, this includes Public Questions, Statements, and Petitions. It is proposed that in Line with the Corporate Parenting Committee this committee is:
- 1) Included in the List of Committees in Article 3 Appendix A 1.1 where Public participation is permitted; and
 - 2) Included in the List of Committees in Article 3 Annex 3 1.5 as a committee where petitions can be presented.

Allowances for the Chair and Vice Chair of the Committee:

- 3.17 The Council is required to consider whether it wishes for the Chair and Vice Chair of the Committee to be eligible to receive a special responsibility allowance. If the Council decides that the positions should receive an allowance, it will be necessary to engage the Joint Independent Remuneration Panel to make recommendations in this regard to a future meeting of Council.
- 3.18 The precedent from the formation of the Corporate Parenting Committee was that Council did not proceed with a proposal for special responsibility allowances for the Chair and Vice Chair of the new committee until the next time the Joint Independent Remuneration Panel was called upon to review Special Responsibility Allowances.
- 3.19 It is proposed that this precedent is followed as this will give the committee time to establish a work programme and for there to be a clear understanding of the role and responsibilities required of the Chair and Vice Chair.

Prevent Violent Extremism Members Working Group:

- 3.20 The Council has an established Member working group on Prevent, this was formed at the request of the Cleaner, Greener and Safer Overview and Scrutiny Committee. This working group's remit would be duplicated within the role of this committee.
- 3.21 Given the overlap and duplication it is proposed that this working group is disbanded and its work transferred to the new Committee.
- 3.22 If the option to do this is undertaken then the group would need to be removed from the list of Outside Bodies in the Constitution Chapter 12 Part 2 table 5. Equally the Member appointments to the group by Council would be terminated.

4. Reasons for Recommendation

4.1 This report responds to the Motion of Councillor Anderson at the meeting of Council on the 27 January 2021, with the requested proposals for a new committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report is provided to General Services Committee in advance of Council for consideration and recommendation to Council.

6. Impact on corporate policies, priorities, performance and community impact

6.1 These proposals link to the Council's People priority, particularly in respect to the priority that "communities are empowered to make choices and be safer and stronger together".

6.2 It should be noted that the Council as a key partner of the Community Safety partnership is also supporting its priority focus in regards to Tackling Violence and Vulnerability as well as Counter Extremism and Terrorism.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Corporate Director of Finance, Governance and Property

There are no direct financial implications from this report. Should there be a decision to seek special responsibility allowances for the Chair and Vice Chair of a committee this would be an unbudgeted additional cost to the Council.

7.2 Legal

Implications verified by: **Ian Hunt**
Assistant Director Law and Governance and Monitoring Officer

The legal implications are addressed within the report.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager - Community Development and Equalities

There are no direct equality or diversity implications in the decision to establish (or not) a committee of Council.

The work of the Council in supporting vulnerable residents and through the Community Safety Partnership is supported by full equality impact assessments and ongoing monitoring.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked After Children)

As highlighted above the Council has a number of statutory obligations in respect of the prevention of illegal activities, this report addresses the interactions between Member engagement and oversight leading to the Council's responsibilities for the consideration of Crime and Disorder.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Council's Constitution <https://www.thurrock.gov.uk/constitution-of-council/thurrock-council-constitution>
- Community Safety Partnership Annual Delivery Plan <https://www.thurrock.gov.uk/community-safety-partnership/thurrock-community-safety-partnership>

9. **Appendices to the report**

Appendix A – Proposed Terms of Reference

Report Author:

Ian Hunt

Assistant Director Law and Governance and Monitoring Officer