

25 November 2015		ITEM: 10
Council		
Members' led body on Prevent duties and review of existing Prevent provision		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Councillor John Kent, Leader of the Council		
Accountable Head of Service: Fiona Taylor, Head of Legal		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

Full Council passed the following resolution at its meeting in July 2015, "Radicalisation of youths seems to be quite rampant, doing nothing is not an option as parents are losing their children to extremism. We call on Thurrock Council to create a member led committee to co-ordinate a multi-agency approach to tackle the threat of extremism and radicalisation in line with our Duty to Prevent." The meeting tasked the Constitution Working Group and the Monitoring Officer with drafting terms of reference for such a Member led body within the context of the existing Prevent provision and government guidance on the new statutory duty.

1. Recommendation(s)

- 1.1 That the terms of reference of the Cleaner, Greener and Safer Overview and Scrutiny Committees be updated to address the overview, scrutiny and policy development of Prevent duties and that the Committee be recommended to set up standing cross party "Members Prevent Working Group" pursuant to Rules 8 – 9 Chapter 4, Part 1 – Article 6 of the Constitution**
- 1.2 That such a Members Prevent Working Group to address the terms of reference found at paragraph 3.5 in this report.**
- 1.3 That the terms of reference of the Children's Services Overview and Scrutiny Committee be likewise updated to address Prevent duties in the context of their remit for child protection.**

2. Introduction and Background

- 2.1 The Counter Terrorism and Security Act became law on 16 February 2015. The Act places a statutory duty on all principal councils from the 1 July 2015 to have “due regard to the need to prevent people being drawn into terrorism”. This is known as the Prevent Duty. The Act allows the Secretary of State to issue directions to councils if they are not satisfied that they are complying with the Prevent Duty.
- 2.2 Councils are also required to establish Panels (if not already done so) to identify and support those felt to be vulnerable to being drawn into terrorist activity. This is called Channel and new guidance for this also came into effect on 1 July 2015.
- 2.3 The new legal duty and statutory guidance covers all 353 principal local authorities in England and Wales, including existing Prevent Priority Areas and is an Executive function.

The Prevent Duty Guidance

- 2.4 The Prevent duty guidance, published alongside the Act sets an expectation that local authorities will:
- 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).
 - Use the existing counter-terrorism local profiles to begin to assess the risk of individuals being drawn into terrorism.
 - Engage with Prevent coordinators, schools, universities, colleges, local prisons, probation services, health, immigration enforcement and others as part of the risk assessment process.
 - Mainstream the prevent duty so it becomes part of the day-to-day work of the Authority, in particular children’ safeguarding.
 - Any local authority that assesses, through the multi-agency group, that there is a risk will be expected to develop a Prevent action plan.
 - 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.
- 2.5 The other specified authorities in the Act who are also subject to the Prevent duty include criminal justice agencies including prisons, educational and childcare establishments, health and the police.

- 2.6 The intensified and changed nature of the threat, particularly from those seeking to travel to, or return from Syria, now affects many councils, not just those deemed “priority areas.” To comply with the new duty local authorities will also need to develop skills and abilities to recognise signs and indicators of radicalisation amongst all front line staff, particularly those working with children and young people or children’s and adult safeguarding leads.

Existing local Prevent and Channel provision

- 2.7 To date the Thurrock Community Safety Partnership (TCSP) has been leading on Prevent since it was originally brought in. The overall governance is through the Strategic Partnership Board, which is chaired by the Councils Head of Public. The Portfolio Holder for Public Protection is the statutory Member for this Board. The Fire Authority Member also has a place on this board. Within the TCSP structure there is currently a Prevent Strategic Group (PSG) who also meet regularly. This is chaired by the Head of Public Protection.
- 2.8 The TCSP have Channel processes in place – the Service Manager for Adult Social Care is currently in the process of reviewing these in line with the new prevent duty guidance described above and new advice from Essex Police Prevent lead. Although these existing Channel processes have been in place since 2011, there has, as yet, been no requirement for a Channel Panel to convene. Initial referrals to Channel will come through the safeguarding routes.
- 2.9 The multi-agency Prevent Strategic Group (PSG) are in the process of revising the strategy and action plan, again to bring in line with the new Prevent duty. It has been indicated that a Thurrock Council Members led Prevent Working Group to support and advise work on these can only be welcomed.

Enhanced Role of Local Councillors

- 2.10 As councils look to strengthen or establish processes to ensure that they are complying with the new duty there are clear roles for local councillors. Work to stop people from becoming terrorists and respond to the ideological challenge of terrorism and aspects of extremism may seem distant to the day-to-day role of local councillors - however, successful prevention strategies will only work when underpinned by the support of councillors’ knowledge and relationships in a local area. Councillors involved in overview and scrutiny will also want to be assured about the nature of risk in their area and the work being done to address any identified risk. Councillors are well placed to listen to and understand constituents’ concerns, and can share their understanding of sources of community tension with the local authority. Councillors can also use their authority and legitimacy to challenge the narratives of radicalisers and extremists and put forward positive alternatives, working with the wider community to condemn the activities of extremists who misrepresent local community views.

3. Issues, Options and Analysis of Options

New Prevent Duties

- 3.1 Most councils, although it is early days, have responded to this new duty by making use of the existing Community Safety Partnerships as the continuing multi agency lead for the Prevent Duties and it is noted that Thurrock's Community Safety Partnership (TCSP - an Outside Body) has Prevent Duties within its terms of reference. However Members through their Motion have expressed a desire for a Member led body to address the new duties and such a body could usefully feed into the required multi agency lead (TCSP) and Cabinet and provide a forum for more direct and regular community, policy and ward involvement.

New Committee of Council option

- 3.2 The Constitution Working Group (**CWG**) discussed this option and were advised by the Monitoring Officer that the discharge of Prevent duties is an executive function. Therefore if the Member led body mentioned in the Motion was established by Full Council as a new "Committee of Council" then this would in effect be the creation of a further Overview and Scrutiny Committee - as it is not legally possible, pursuant to the Local Government Act 2000, for an executive function to be discharged by Council or a Committee of Council. Additionally this overview and scrutiny responsibility would seem to reside, in the main, within the existing terms of reference of the Cleaner, Greener and Safer Overview and Scrutiny Committee to which Prevent scrutiny duties should be explicitly added in order to satisfy central government oversight of the adequacy of the Council governance arrangements in this area.

Adding the Prevent Terms of Reference to the Licensing Committee

- 3.3 Another option discussed by the CWG was the possibility of adding Prevent duties to the terms of reference of the Licensing Committee. The Licensing Committee is a statutory decision making Committee of Full Council and as discussed above executive decision making functions could not be delegated to it under the Local Government Act 2000. Whilst it might be possible to add Prevent scrutiny duties to its terms of reference this would be highly unusual as it would combine a decision making committee with a scrutiny function which may give rise to potential conflicts. Therefore the Monitoring Officer advised against this option.

Members Prevent Working Group

- 3.4 The CWG discussed this option for a Member led body – the Monitoring Officer advised that if the intent of the Motion was to capture the enhanced role of all Members, their local knowledge of their communities and wards, to provide a flexible and relatively informal forum and focus for local intelligence and policy development then such a vehicle appeared to fill a gap in existing Prevent provision and could allow Members to lead in the areas suggested in

the terms of reference at Para 3.5 below. The Members' Prevent Group could be set up by the Cleaner Green and Safer Overview & Scrutiny Committee pursuant to their Prevent duty remit as a standing cross party Working Group pursuant to Rules 8 – 9 Chapter 4, Part 1 – Article 6 of the Constitution. Additionally it may thought appropriate to add Prevent duty to the terms of reference of the Children's Services Overview and Scrutiny Committee given their child protection remit.

Terms of Reference

3.5 The suggested terms of reference for such a Members Group reporting to its parent committee could be as follows:

Terms of Reference

- Act as critical friends and provide overview and scrutiny function of a very specific area of work:
- That all members have attended WRAP training and have a good understanding of the PREVENT agenda in its broadest sense, including Channel:
- Ensure that the local Duty is embedded within all agencies and that the Local authority is taking the lead on ensuring a coordinated approach:
- Ensure that the Prevent strategic group under the governance of the community safety partnership has sufficient resources to deliver on the strategy and action plan for Thurrock:
- Approve the revised Prevent strategy for Thurrock Council Contribute to the action plan from a community engagement perspective:
- Act as key information networks and champion Prevent in their communities:
- Raise concerns over local community tensions in line with the agreed process:
- Raise awareness amongst their peers:
- Where strategic issues are high, work to support unblocking of concerns:
- In the event of a community issue be key conduits for ensuring the right messages are getting to our communities:
- To scrutinise spend of the £10k on implementing the duty ensuring value for money (providing this funding is agreed).

Channel Panel

3.6 Turning to Channel provision - Part 5 Chapter 2 (sections 26-35) of the Act provides a new 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 now effectively places Channel on a statutory footing. The Act sets out that these panels are to be chaired by the responsible local authority as currently provided for already by Thurrock Council. The Channel process aims to provide support to individuals

at risk of being drawn into violent extremism. Channel is voluntary and an individual must provide consent. It draws on existing collaboration between local authorities, the police, statutory partners (such as the education sector, social services, children's and youth services and offender management services) and the local community and has three objectives: to identify individuals at risk of being drawn into violent extremism; to assess the nature and extent of that risk; to develop the most appropriate support for the individuals concerned. Funding for Channel is provided by OSCT.

3.7 More information on Channel can be found in the:

Channel Guidance at: <https://www.gov.uk/government/publications/channel-guidance>

and

Channel Vulnerability Assessment at:
<https://www.gov.uk/government/publications/channel-vulnerability-assessment>

4. Reasons for Recommendation

4.1 A cross party Members led Prevent Working Group would seem the best governance option and vehicle to capture the enhance role of all Members to bring to bear their local ward knowledge, lead on policy development and education as well a monitoring the effective discharge of Prevent duties.

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

5.1 This matter has been the subject of consultation with the Constitution Working Group, the Chair of Cleaner, Greener and Safer Overview and Scrutiny Committee, Group Leaders and relevant Portfolio Holder

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

6.1 Such a Members' led Group would contribute to the effective discharge of Prevent duties by the Council and capture the local knowledge and contribution of all Members to an increasing important issue.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

Such a Members' led Prevent Group would be provided within existing budgets

7.2 Legal

Implications verified by: **David Lawson**
Monitoring Officer and Deputy Head of Legal

The legal implications are within the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

A Members' led Prevent Group could make a significant contribution to understanding local communities and social cohesion.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

A Members' led Prevent Group would contribute to community safety

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):

Channel Guidance at: <https://www.gov.uk/government/publications/channel-guidance>

Channel Vulnerability Assessment at:
<https://www.gov.uk/government/publications/channel-vulnerability-assessment>

9. Appendices to the report

- None

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