

Counter Terrorism and Security Bill

Purpose

For discussion and direction.

Summary

The government published the Counter-Terrorism and Security Bill on 26 November. This paper sets out the Bill's provisions and outlines ways that the LGA could respond to it.

Recommendations

Members are asked to:

- (a) Note the Bill; and
- (b) Provide their views on how the LGA responds to it.

Actions

Officers to take forward any actions agreed by members.

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Background

1. Following reports over the summer of a number of British citizens and residents travelling to Syria and Iraq to fight against the Assad regime in Syria, and that the Islamic State of Iraq and Lebanon had taken control of territory in both countries, the threat level to the UK was raised from 'substantial' to 'severe' on 29 August.
2. The Prime Minister made a statement in Parliament on 1 September about how the government was responding to developments in the Middle East. In the statement the Prime Minister identified the need to tackle radicalisation and extremism and strengthen the Prevent strategy, and said legislation would be brought forward to achieve this.
3. This announcement effectively repeated key recommendations from the report of the Prime Minister's Task Force on Tackling Radicalisation and Extremism. The Task Force was established following the murder of Drummer Lee Rigby in May 2013, and reported in December 2013. The report recommended that delivery of the Prevent strategy and Channel programme were placed on a statutory footing to ensure that those working to tackle extremism have the full support of councils.

The Counter-Terrorism and Security Bill

4. The Counter-Terrorism and Security Bill was published and had its first reading on 26 November. The Bill implements the measures the Prime Minister announced in his September statement. The Bill:
 - 4.1. Gives the police the power to seize the passports of people suspected of being involved in terrorism;
 - 4.2. Introduces exclusion orders to prevent people returning to the UK for up to two years unless the Home Secretary issues a permit to return which can impose conditions on an individual;
 - 4.3. Expands measures that can be included in terrorism prevent and investigation measures (TPIMs) orders;
 - 4.4. Requires communication service providers to retain data to allow the identification of the internet protocol address an individual is using;
 - 4.5. Gives the Home Secretary powers to require airlines to provide information on passengers and crews on flights; and
 - 4.6. Makes it an offence for an insurer in the UK to make ransom payments.
5. The most relevant section of the Bill for local authorities is Part 5. The explanatory notes state that action to prevent people being drawn into extremist activities relies on multi-agency cooperation, but this cooperation is not consistent and the provisions in Part 5 seek to address this. They do so in two main ways.
6. A duty is placed on specified authorities to have due regard when exercising their functions to prevent people from being drawn into terrorism. The Home Secretary is also given the power to issue guidance, which the specified authorities have to have regard to. In addition the Home Secretary is given the power to issue directions to a specified authority where the authority is judged to have failed to have given due regard to

preventing people from being drawn into terrorism. Specified authorities include London Boroughs, district and county councils, unitaries and metropolitan boroughs. Also covered are schools, colleges and universities and parts of the NHS.

7. The Bill also places a duty on councils to set up panels to assess the extent to which people referred to them are vulnerable to being drawn into terrorism. Where an individual is identified as being vulnerable the panel has to prepare a support plan, and provided the individual consents then the plan is put into action. During the time a plan is in place the panel has to review it, and if necessary revise it or carry out further assessments. The support plan can also be withdrawn. The support plans have to set out the nature of the support that will be provided, who will provide it and how and when it is to be provided. The Home Secretary is given the power to issue guidance covering the work of the panel.
8. The Bill goes onto specify the membership of the panel. The council setting up the panel and the police must appoint representatives to serve on the panel, with the council able to appoint other members to the panel if it thinks it appropriate to do so. The Bill requires the panel to be chaired by the council. There is also a requirement for partners to co-operate with the panel, including providing it with information. The partners include government departments, other councils, prisons, probation, universities, further education colleges and schools, clinical commissioning trusts and parts of the NHS along with other police forces.
9. The Impact Assessment for the bill gives the indicative annual cost of these measures as being £12.7 million a year, with £5.3 million per annum of this sum being the additional cost to councils. Of the balance the Home Office calculate that providing 20 extra prevent coordinators will cost £1.6 million a year, with an additional 9 regional coordinators costing £0.8 million. The estimated cost to councils is based on the assumption that no additional work will be required in some of the priority areas or where the threat is low. The cost will fall in the Home Office's view on those areas that have to do more to understand and manage the risk of radicalisation and extremism. Communities and Local Government estimated the cost for individual councils as being between £4,000-40,000. It is accepted that these figures will change on the basis that the statutory guidance from the Home Office is not finalised, and the further work on it will provide a clearer idea of the cost impact on councils.

Next Steps

10. A date has yet to be set for Second Reading of the Bill, though the explanatory notes to it indicate the government wishes to fast track it through Parliament. Given the cross-party concerns expressed over the summer about radicalisation and the need to do more to prevent it, attempts to amend the legislation so councils are not caught by the new statutory duty are unlikely to be successful.
11. Instead the LGA could highlight that having a stand-alone panel to consider what support is provided to people who are vulnerable of being drawn into terrorism is unnecessary. The Office of Security and Counter Terrorism (OSCT) has left it to local areas in the Organised Crime Strategy to decide what structures locally are best placed to consider how local partners can tackle organised crime groups. Local agencies are given the flexibility to decide if existing structures could be adapted for this purpose, and the LGA could make the same point in relation to assessing what support people vulnerable to terrorism need.

12. The LGA could also raise the importance of ensuring that councils (and their partners) are properly supported to do this work. A more accurate assessment of the financial impact of the measures on councils is needed as the figures in the Impact Assessment are very provisional currently. We could suggest that the Home Office works with the LGA and councils to ensure that the final estimates actually reflect what councils will have to do in practice.
13. Imposing a new statutory duty of itself will not drive up the performance the legislation is designed to address. The proposals within the Bill and the Impact Assessment appear to have given little consideration to the sharing of best practice and how councils can be supported to strengthen their responses to issues of radicalisation and extremism. As part of the work on gangs and serious youth violence the Home Office adopted the LGA's peer review process to assist the priority areas identify areas for improvement. The Home Office also made available a range of expertise councils could draw on. Adopting a similar approach in the Prevent Strategy would assist councils. In addition more could be done to understand what makes individuals resilient to radicalisation so councils and partners have a better understanding of what support should be provided to individuals assessed as being vulnerable.
14. Members are asked to:
 - (a) Note the Bill; and
 - (b) Provide their views on how the LGA responds to it.

Financial Implications

15. There are no financial implications arising from this report, as any work identified by members will be met from existing resources.