

Counter Terrorism

Purpose

For discussion and direction.

Summary

The government published draft statutory guidance on implementing the new Prevent duties set out in the Counter Terrorism and Security Act 2015 in December. There has been increasing focus on these measures following the terrorist attacks in Paris in January. This report briefs members on the statutory guidance and implications for councils going forward.

Recommendations

Members are asked to:

- a) Note the consultation on the draft statutory guidance on the new Prevent duties and the LGA's response to it;
- b) Provide a steer on whether there are any other issues the LGA should be raising with government about the Act; and
- c) Comment on whether there are any issues related to community cohesion such as the need to create counter narratives to extremist ideology the LGA should be pressing for government action on.

Actions

Officers to action as appropriate.

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Background

1. At the Board's meeting in December it received a report on the Counter Terrorism and Security Bill which was published on 26 November. Among a range of measures, the Bill included two new duties for local authorities amongst other bodies. These are a duty to have due regard when exercising their functions to prevent people being drawn into terrorism; and a duty to set up panels to assess the extent to which people referred to them are vulnerable to being drawn into terrorism.
2. Following the Board's steer, we have registered the need for local areas to be given the flexibility to decide if existing structures, such as community safety partnerships could be adapted for this purpose. Members were also keen to ensure that cost to councils of implementing these two new duties is fully funded by the Government. Both these issues were highlighted in the briefing the LGA circulated to MPs ahead of the Second Reading of the Bill in December. Since then the Bill received Royal Assent on 12 February.

Draft Statutory Guidance

3. The new Act gives the Home Secretary the ability to issue guidance on how to meet the two new statutory requirements. The draft guidance is prescriptive. It states that specified authorities should assess the risk in their area, institution or body. It then goes on to set out how the specified authorities can demonstrate their compliance with the duties. The guidance sets out the expectation that:
 - 3.1. Those in leadership in specified authorities will:
 - 3.1.1. establish or use existing mechanisms to understand the risk of radicalisation;
 - 3.1.2. ensure staff understand the risk and build capabilities to deal with it;
 - 3.1.3. communicate and promote the importance of the duty; and
 - 3.1.4. ensure staff implement the duty effectively.
 - 3.2. The specified authorities will evidence they are working in partnership for example with Prevent co-ordinators and by participating in community safety partnerships.
 - 3.3. Appropriate training is provided to staff to ensure those who engage with the public understand what radicalisation means and why people might be vulnerable to it, and understand what measures are available to prevent people being drawn into terrorism.
4. There is also sector specific guidance for a range of bodies including local authorities, the police, schools, higher and further education, health and prisons. The section for local authorities states that members and senior officers in councils should:
 - 4.1. establish or make use of existing multi-agency groups to agree risk and co-ordinate activity, using the counter-terrorism local profiles (CTLPs) as a starting point;
 - 4.2. incorporate the duty into existing policies and procedures, such as those associated with safeguarding;

- 4.3. develop a Prevent action plan which sets out projects, activities and interventions to reduce the risk of people being drawn into terrorism and work collaboratively with local and regional Prevent co-ordinators;
 - 4.4. train frontline staff appropriately, and ensure they are able to make referrals to Channel programmes;
 - 4.5. ensure that publically owned venues and resources do not provide a platform for extremist views, and that organisations working on the Prevent agenda do not engage in extremist activity;
 - 4.6. ensure that private, voluntary or other organisations (such as children's homes and fostering agencies) that provide services in relation to children that would otherwise be provided by the council are part of their local authorities' safeguarding arrangements;
 - 4.7. understand the range of out-of-school settings attended by local children in their area and ensure children are properly safeguarded; and
 - 4.8. monitor the impact of Prevent work.
5. The guidance confirms that the Home Office will continue to identify a number of local areas as Prevent priority areas – up to 50. They will be funded to employ a Prevent co-ordinator, and there will continue to be Home Office funding available for Prevent projects and activity. This funding will also now be made available to other areas. The Home Office will monitor and assess delivery in the priority areas.
 6. The Home Office will also monitor the wider implementation of the Prevent duty, which as a last resort could include the appointment of an inspector to assess an authority's compliance and intervention in areas judged to be failing.

LGA response to the draft guidance

7. Discussions with councils highlighted a number of concerns with the draft guidance. These were raised with the Home Office and Department for Communities and Local Government in a roundtable event organised by CLG to discuss the guidance. Lead Members then approved a response to the consultation (attached at **Annex 1**).
8. Discussions with civil servants suggest we have some traction on these points. However the LGA could seek a meeting with Ministers to highlight the need to address the issues raised.

Paris terrorist attacks

9. The terrorist attacks in Paris at the start of January raised the possibility of similar marauding gun attacks in the UK and provided further impetus for counter-terrorist measures. As the Home Secretary set out in her statement to Parliament, the government, security services and police have been planning for such a possibility since the 2008 attacks in Mumbai. The response to such an attack would be led by the police, security services and possibly the military but would also involve the other emergency services. Exercises have also been carried out by the police and other agencies to prepare for similar scenarios to what occurred in Paris.
10. Councils' role in the immediate aftermath of the event of a similar attack in the UK would involve, as it has after previous incidents, issuing public statements urging unity and calmness, offering meetings with the police to explain activities and calling faith leaders

together to respond collectively to condemn violence of any kind. It may also involve responding to local developments caused by responses from other organisations like the EDL. Councils have built up expertise in this area.

11. In the longer term the main challenge for councils will be rebuilding and sustaining community cohesion. Support and funding from the government around the Prevent duties could be helpful here in helping councils build relations between communities so they are bound together in an atmosphere of tolerance. This support should also be of assistance in building local counter narratives to confront extremist ideology, in creating alternative choices, and in identifying credible voices who can expose the extremists flawed arguments, all of which should ensure extremist messages do not take hold.

Next steps

12. Members are asked to:

- 12.1. Note the consultation on the draft statutory guidance on the new Prevent duties and the LGA's response to it;
- 12.2. Provide a steer on whether there are any other issues the LGA should be raising with government about the implementation of the new Prevent duties, and if a meeting should be sought with Minsters; and
- 12.3. Comment on whether there are any issues related to community cohesion such as the need to create counter narratives to extremist ideology the LGA should be pressing for government action on.

Financial Implications

13. There are no financial implications arising from this report.