

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Policy and Resources Cabinet Board**

3<sup>rd</sup> September 2015

### **Report of the Head of Corporate Strategy and Democratic Services**

K.Jones

#### **Matter for Decision**

**Wards Affected:** All Wards

#### **Counter-Terrorism and Security Act 2015**

#### **Purpose of Report**

1. To advise Members of new duties and responsibilities applied to local authorities following enactment of the Counter-Terrorism and Security Act 2015.
2. To obtain delegated authority from the Cabinet Board for relevant officers to take the steps necessary for the Council to comply with the new duties and responsibilities.

#### **Executive Summary**

3. This report sets out details of new counter-terrorism and security duties placed on local authorities by the UK Government.
4. Local authorities now have a general duty to have regard to the need to prevent people from being drawn into terrorism.
5. Local authorities also have a duty to establish and chair a local multi-agency panel that will convene to support people identified as being at risk of being drawn into terrorism.
6. The report seeks delegated authority for the relevant officer to take the steps necessary for the Council to comply with the new duties.

## **Background**

7. The UK Government has legislated to make certain provisions related to terrorism. S26 of the Counter-Terrorism and Security Act 2015 places a duty on local authorities to have “due regard to the need to prevent people from being drawn into terrorism” in the exercise of their functions. This means that local authorities must place an appropriate weight on the need to prevent people from being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.
8. In addition to the general duty referred to above, statutory guidance identifies the need for local authorities:
  - To establish or use existing mechanisms for understanding the risk of radicalisation;
  - Ensuring staff understand the risk and build the capabilities to deal with it;
  - Communicating and promoting the importance of the duty; and
  - Ensuring staff implement the duty effectively.

## **New Duties and Powers – Local Authorities**

9. s29 of the Act provides a power to the Home Secretary to issue statutory guidance to local authorities as to how their general duty to pay “due regard to the need to prevent people from being drawn into terrorism” should be carried out. Current statutory guidance is set out in “Prevent Duty Guidance”. The statutory guidance covers the need for:
  - multi-agency working through Community Safety or other appropriate forums;
  - assessment of risk by way of reference to counter-terrorism local profiles (CTLPs);
  - the establishment of plans to address any identified risk;
  - the need to ensure appropriate training for staff and contractors; and
  - the need to take steps to ensure local authority resources are not used to support extremist views.
10. Officers of this council have been working with officers from the City and County of Swansea and Bridgend County Borough councils to develop an

appropriate response to the new duty and associated statutory guidance and Members are now asked to endorse that approach.

11. The statutory guidance sets out specific considerations that should be made by schools and child care providers to assess the risk of children being drawn into terrorism.
12. s36 of the Act makes provision to protect vulnerable people from being drawn into terrorism. The Act requires:
  - each local authority to establish and chair a local multi-agency panel for this purpose;
  - the police to refer people considered vulnerable to the panel;
  - the Panel to carry out an assessment of risk and to establish appropriate plans to support people identified as being vulnerable to being drawn into terrorism and then to keep those plans under review;
  - the core membership of the panels to be the police and the local authority;
  - the chairing of the panel to be the relevant local authority's responsibility; and
  - Each partner on a panel must, so far as is appropriate, and reasonably practical, act in co-operation with the panel.
- 13.. The Act also provides a power to local authorities to determine procedures for conducting the business of the panel. Officers have been working with the police to identify the steps that will need to be taken to establish such a panel locally and Members are now asked to formally authorise the associated work.

### **Financial Impact**

- 14.. There is no new recurring revenue funding identified for Neath Port Talbot Council to discharge the duties and responsibilities set out in this report, although a one-off grant of £10,000 is expected to be made available. Any individual referred to the local panel who requires specialist support will be funded by the Home Office and that support will be procured from a Home-Office approved provider. Recurring costs that will fall to the Council are expected to be incurred in:
  - Staff training and awareness;
  - Servicing the panel meetings and associated activity;

- Consequential costs that relate to contractors and partners working with the Council who have responsibilities under the Act (promotion, training etc)
15. Savings will need to be made within the Community Safety Budget and other Corporate Strategy budgets to accommodate these additional costs. Where feasible, officers will work with other agencies/local authorities to minimise cost.

### **Equality Impact Assessment**

16. The Equality Act 2010 requires public bodies to “pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristics and persons who do not share it.”

The Home Office considers that the new duties are relevant to fulfilling duties under the Equality Act 2010.

### **Workforce Impact**

17. Steps will need to be taken to raise awareness across the workforce of the new duties and associated local arrangements.
18. A small number of officers will need to participate in the work of the local panel that will consider cases referred from the police where a risk of being drawn into terrorism has been identified.
19. It is not anticipated that there will be a significant impact on workforce other than as described above.

## **Legal Impact**

20. This report has been developed to draw attention to the new duties placed on local authorities and to ensure the Council's Constitution is amended to reflect the delegated authorities that will be needed to take the actions necessary to comply with the new duties.

## **Crime and Disorder Impact**

21. The Council has a legal duty under Section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with "due regard to the need to prevent Crime and Disorder in its area".
22. The new duties described in this report complement the existing crime and disorder duty.

## **Risk Management**

23. A one-off grant of £10,000 is expected to be made available to support the introduction of the new duties. There is a risk that the funding will be insufficient to cover the duties and consequently this will be monitored and should funding be insufficient, further reports to Members will be provided.

## **Consultation**

24. There is no requirement under the Constitution for consultation on this item.

## **Recommendations**

25.
  - (1) That the Policy and Resources Cabinet Board authorises the Head of Corporate Strategy and Democratic Services to take the actions necessary to secure compliance by the local authority with s26 and s36 of the Counter-Terrorism and Security Act 2015 and

associated statutory guidance issued by the Home Secretary in relation thereto.

- (2) That the above delegations be reported to Council in due course in order that authority to amend the Constitution may be obtained.

### **Reason for Proposed Decision**

26. To provide the relevant officers with the delegated authority to implement the actions necessary for the Authority to be able to comply with Sections 26,36 and the statutory guidance issued by the Home Secretary under Section 29 of the Counter-terrorism and Security Act 2015.

### **Implementation of Decision**

27. The decision is proposed for implementation after the three day call in period.

### **Appendices**

28. None

### **List of Background Papers:**

29. **Counter-Terrorism and Security Act 2015**  
[http://www.legislation.gov.uk/ukpga/2015/6/pdfs/ukpga\\_20150006\\_en.pdf](http://www.legislation.gov.uk/ukpga/2015/6/pdfs/ukpga_20150006_en.pdf)  
**Prevent Duty Guidance**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417943/Prevent\\_Duty\\_Guidance\\_England\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417943/Prevent_Duty_Guidance_England_Wales.pdf)

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