

CULTURE AND COMMUNITIES SCRUTINY PANEL

A meeting of the Culture and Communities Scrutiny Panel was held on 23 July 2018.

PRESENT: Councillors R Arundale, S Biswas, R Brady, D J Branson, D Davison, S Dean, J Goodchild, L Lewis and J A Walker(As Substitute)

ALSO IN ATTENDANCE: J Cain (Local Democracy reporter- Gazette)

OFFICERS: S Blood, A Shippey, AM Johnston, J Hedgley and M Walker

APOLOGIES FOR ABSENCE Councillor Z Uddin.

DECLARATIONS OF INTERESTS

None declared

1 MINUTES OF THE PREVIOUS MEETINGS HELD ON 23 APRIL 2018 AND 18 JUNE 2018

The minutes of the meetings held on 23 April 2018 and 18 June 2018 were read and accepted as a true record.

2 REGULATION OF INVESTIGATORY POWERS ACT 2000 - UPDATE

The Chair welcomed Ann-Marie Johnstone, Corporate Strategy Manager and Judith Hedgley, Head of Public Protection to the meeting. The officers provided a report to update the Panel on the processes the Council has in place to ensure compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).

The officers outlined that the RIPA was a law governing the use of surveillance techniques by public authorities, including local authorities.

RIPA was enacted as part of the suite of legislation flowing from the Human Rights Act 1998. The Act required that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance was necessary, proportionate, and interference with human rights was lawful.

The officers stated that for Public Authorities, where a suspended offence could result in a custodial sentence of more than 6 months, or where it was suspected that alcohol or cigarettes were being sold to children, covert surveillance could be undertaken, subject to judicial approval through the Magistrates Court. Surveillance would only be undertaken if there was no other measures which could be undertaken to gather the necessary information or evidence to undertake regulatory or enforcement action.

In addition, the officers advised that RIPA legislation was used to access telephone data associated with criminality and this was completed on behalf of Middlesbrough Council by the National Anti-Fraud Network (NAFN). Obtaining information through this route was now minimal (with only one application in the last three years) and its usefulness has decreased as communication technology has advanced beyond the use of mobile phone networks.

It was outlined that RIPA was only used if there was no other means of obtaining the information, this was highlighted through the number of applications the Council has made using RIPA over the last three years:

2015/16- 3 directed applications: 1x copyright infringement, 1x Counterfeit goods and 1x Illicit Tobacco Sales.

2016/17 - 6 directed applications: 4x Illicit Tobacco Sales, 1 x Counterfeit goods and 1 underage e-cig sales

2017/18 - 1 directed application: Counterfeit goods

The officer advised that the term 'directed' referred to a specific individual or group.

The officers outlined the process in applying for a RIPA application:

1. Service area will draft an application for RIPA
2. The RIPA authorisation is presented to the Authorised Officer (Head of Service) to ensure an application is made in line with the guidance to the Act; this covers how surveillance can be undertaken, the length of time and the frequency of review.
3. Sent to Corporate Strategy Manager to audit and the Senior Responsible Officer to agree authorisation.
4. The RIPA Authorisation is presented to the Magistrates Court for oversight and approval of the Council's internal processes.
5. Authorisations are generally reviewed within the Service Area on a monthly basis for up to three months (guidance varies review frequencies on a number of different grounds depending upon the nature of surveillance,
6. If the RIPA Authorisation has achieved its objective or demonstrated that no evidence would be obtained then it has to be cancelled with immediate effect.
7. At the end of the three month period, Authorisation can be extended further.
8. A register of RIPA Authorisations was maintained by the Strategy, information and Governance Service. Audits of the RIPA process are undertaken by the Investigatory Powers Commission, and the last audit was carried out in 2015.

A member queried whether there was an arrangement with the Police and Council as effectively, RIPA was assessing personal and private information some of which may relate to other criminal behaviour. The officers outlined that as with any surveillance activity, officers assess the private information obtained, and RIPA provides the legal framework to do this. With RIPA, officers are only interested in obtaining information which links them to criminality associated with their service area e.g. illegal tobacco sales. If the surveillance identifies more serious matters of illegal behaviour, than it would be stopped and the matters referred to the Police

Members also queried how the Council get to know about illegal activity. In response, the officers outlined that they will quite often be told by an informant, or if the premises owner is known to the Council, they may have suspicions regarding illegal activity taking place.

In many cases surveillance is not considered necessary and officers respond to some intelligence by simply visiting the premises concerned and speaking to the occupants which sometimes deals with the matter. However, if there are persistent offenders and officers felt that to gather the appropriate evidence then direct surveillance was required, a RIPA authorisation would be completed.

Officers explained that RIPA is a powerful tool but is only used when all other means of gathering evidence have been explored. As a consequence, officers outlined that all RIPA authorisations are scrutinised carefully before being presented to court, The Magistrates have supported all RIPA authorisations presented to them by the Council, The number of authorisations were low and only made in exceptional circumstances.

Lastly, the use of RIPA to support the work of the Trading Standards Service was discussed. Officers outlined that when test purchasing was undertaken, for example for an underage sale of alcohol or tobacco in the open public environment of a retail premises a RIPA authorisation was not required. Further investigation or surveillance would only be carried out if officers were concerned about illegal and/or underage sales and test purchasing was not an appropriate way to gather the evidence.

The Chair welcomed the report and thanked the officers for their attendance.

AGREED: that the updated be noted.

3 OVERVIEW OF PREVENT ACTIONS

The Chair welcomed Andy Shippey, Community Safety Officer- PREVENT/ Reducing reoffending and Marion Walker, Head of Stronger Communities/ Channel Chair to the meeting, who were in attendance to provide the panel with an overview of PREVENT actions.

The panel were advised that Section 26 of the Counter Terrorism and Security Act 2015 now places statutory duty of Councils to 'have due regard to the need to prevent people from being drawn into terrorism', Each individual department and their commissioned services have a statutory responsibility to embed the PREVENT duty within their service and practice.

The officers outlined that:

- PREVENT was about PREVENTING people becoming terrorists or supporting terrorism and tackling the vulnerability factors of individuals which can cause both young people and adults from being drawn into terrorism.
- PREVENT aimed to create resilience and empower individuals and Communities to stand up to extremists.
- PREVENT IS there to SAFEGUARD vulnerable children and vulnerable adults from harm and to ensure they received appropriate support to move them away from the risk of radicalisation.
- In essence, PREVENT IS about safeguarding

The panel were advised of the background to PREVENT. The officer stated that CONTEST (the governments counter terrorism strategy was released in 2011 and updated in 2018. The CONTEST strategy was divided into four distinct categories to address extremism and terrorism:

1. PREVENT- those becoming terrorists or supporting terrorists (Local Authority duty)
2. PURSUE- to stop terrorist attacks
3. PROTECT- to strengthen our protection against a terrorist attack
4. PREPARE- to mitigate against the effects of a terrorist attack

The panel were made aware that the updates in relation to CONTEST have been in relation to increased information sharing to partners in respect to the four aspects of CONTEST yet the local authorities responsibility is only PREVENT. Local Authorities have a statutory duty to PREVENT but also have their own responsibilities to the organisation under PROTECT , but currently the Council has no appointed lead.

There has been extensive training in relation to PREVENT, including for example:

1. Implementation of MBC training plan for staff and commissioned services.
2. WRAP 3 train a trainer sessions expanded : 1 day cover Islam awareness XRW groups and behaviours
3. Over 2800 staff received HM Government WRAP 3 training, and
4. HM PREVENT elearning package has been completed by staff (over 600 completed) and is a compulsory module for new starters.

The panel also heard of the work covered with young people and schools, this included for example:

- PREVENT youth Council and PREVENT poster competition
- specific targeted work with schools about the basics of extremism where hate crime

- issues were identified as a concern;
- briefing to head teachers and school governors on responsibilities of PREVENT agenda
- Regular e-briefings for school staff and governors around specific issues relating to safeguarding including sexting, PREVENT and online radicalisation.
- Working with schools to ensure their ICT systems have resilience and promoting ICT resilience awareness around the risk of extremism through the PREVENT twitter account and the Council's PREVENT website.

Further information on training provided and work undertaken with young people and schools were included within the presentation.

The officer further outlined that there has been a focus on the PREVENT operational group, which had successfully discharged actions plans to, for example:

- PREVENT primary schools- increasing staff and parent awareness of PREVENT
- PREVENT messaging - electronic resource to facilitate PREVENT related updates of relevance for schools and professionals working with vulnerable young people/adults to keep them updated
- PREVENT safe spaces- providing training for YOS and stronger families to facilitate ' difficult conversations 'with young people.

There had been an increased online awareness of PREVENT , as in addition to the public facing twitter @MbroPrevent, other CSP partners have become followers along with national organisations such as Tell Mama and international organisations such as the Free Initiative.

The officer further stated the current and ongoing projects being undertook; including for example:

- travel to conflict zones awareness and referral training
- PREVENT awareness training of the Far Right and Extreme Right Wing
- PREVENT safe spaces (ongoing)
- PREVENT training (ongoing)
- PREVENT communications (ongoing)

The officers lastly discussed Channel- the safeguarding response to risk, which is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism.

The programme uses a multi- agency approach to protect vulnerable people by:

- identifying individuals at risk
- assessing the nature and extent of that risk
- developing the most appropriate support plan for the individuals concerned

At present the Channel Chair was the Head of Stronger Communities.

A member of the panel queried how referrals are made to the Channel Chair, in response, the officer outlined that at present if an individual/ family or organisation was concerned about an individual, they would report this to the Channel chair who would create a Channel Referral. The referral would be considered by the Channel Panel, which was a multi-agency safeguarding panel, who would consider the referral and determine the best course of action.

If the concern relates to a child, consent would be received from the parent. The Channel Panel will consider each referral and identify whether it is a genuine PREVENT referral or safeguarding.

The officers have identified that there is misunderstanding surrounding PREVENT but officers are addressing this within the extensive training provided.

The panel had a general conversation surrounding PREVENT and congratulated the officers on the work being undertaken in this area.

AGREED:

That the presentation be noted.

4 **PROPOSED MEETING SCHEDULE 2018/19**

The Democratic Services Officers provided the panel with a draft schedule of dates, which included possible topics for each meeting. The officer outlined that this was a working document and could be amended depending on the topic or interest from members.

AGREED as followed-

That the report be noted.