

Constitutional Amendments

Purpose

- 1.1 The Council is required under Section 36 of the Counter Terrorism and Security Act 2015 (CT&S Act) as amended by the Counter Terrorism Border Security Act 2019, to set up a local panel (known as the Channel Panel) whose purpose is to identify and support individuals considered to be vulnerable to being drawn into terrorism.
- 1.2 The Statutory Channel Duty Guidance 2020 requires Channel, as a local authority statutory function, to be included within the local authority's Constitution.

Recommendations

- 2.1 To delegate authority to the Strategic Director of Communities and Place to establish the "Channel Panel" as a Statutory Panel made up of representatives as specified by the Counter Terrorism Border Security Act 2019.
- 2.2 Subject to the approval of recommendation 2.1, to authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.

Reasons

- 3.1 To comply with the 2020 statutory guidance issued pursuant to the Counter Terrorism and Security Act 2015 (as amended by the Counter Terrorism Border Security Act 2019).

Supporting information

- 4.1 Channel provides early support for anyone who is vulnerable to being drawn into any form of terrorism or supporting terrorism, regardless of age, faith, ethnicity or background. Individuals can receive support before their vulnerabilities are exploited by those who want them to embrace terrorism, and before they become involved in criminal terrorist-related activity.

Section 36 and 37 of the CT&S Act relates to the delivery of Channel in England and Wales and outlines how it should be delivered through a multi-agency approach to:

- identify individuals at risk

- assess the nature and extent of that risk
- develop the most appropriate support plan for the individuals concerned

4.2 The CT&S Act is intended to secure effective local cooperation and delivery of Channel in all areas and build on the good practice already operating in many areas. In practice this means:

- local authorities will have a Channel panel in their area and the local authority will provide the panel chair and deputy chair
- the panel will develop a support plan for individuals adopted as Channel cases
- where Channel is not appropriate, the panel will consider alternative forms of support, including health care and social care services
- the panel will ensure accurate records are kept which detail the support plan, agreed actions and decision-making, and outcomes
- all partners of a panel (as specified in Schedule 7), as far as is appropriate and reasonably practicable, will cooperate with the police and the panel in the carrying out of their functions

4.3 Section 36 of the CT&S Act places a duty on local authorities to ensure that a Channel panel is in place for their area. This should constitute a single panel, with a single chair, covering the needs of adults and children. With the function of assessing the extent to which individuals (as identified on reasonable grounds by the chief constable or the local authority) are vulnerable to being drawn into terrorism; and amongst other things, preparing a plan in respect of identified individuals who the panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism

Section 37(5) of the CT&S Act requires Channel panels to be chaired by the responsible local authority (that is, the authority responsible for ensuring a panel is in place).

Section 41(3) of the CT&S Act makes provision for two or more local authorities to have a panel in place for a combined area, allowing for proportionate and efficient use of resources.

In November 2020, the Government published revised Channel Duty guidance. This guidance strengthens the role local authorities play in the Channel process, placing the following requirements on upper tier local authorities. The Chief Executive is required to:

- Designate a Chair and Deputy Chair with the necessary authority
- Be satisfied that the Chair and Deputy have the required skills and experience
- Sign an annual assurance statement – to be submitted to the Home Office

In addition, there is a requirement to:

- Establish a clear governance structure – this can be joint with another area if appropriate
- Establish an escalation process
- Consider Channel as part of the Scrutiny process on an annual basis
- Ensure the practical running of the meeting and administration
- Make reference to Channel in the Council's Constitution

- 4.4 Section 38 of the CT&S Act places a duty to cooperate on all partners of a panel, as far as is appropriate and reasonably practicable, to assist the police and the panel in carrying out their functions under the CT&S Act. Members of the panel must include the responsible local authority and the police for the relevant local authority area under section 37(1) of the CT&S Act, and they have principal responsibility for Channel in their areas. The Community Safety Partnership has governance responsibility for the Channel Panel. The local authority chair and the police will be present at each panel. Depending on the nature of the referral, the panel may also include, but not be limited to, representatives from the following groups:

- Border Force
- children's and adults' services
- Home Office Immigration (Immigration Enforcement, UK Visas and Immigration)
- housing
- local authority Early Help services
- local authority safeguarding managers (adult and/or children)
- local safeguarding arrangements
- NHS
- prisons
- probation providers
- schools, further education colleges and universities
- social workers
- youth offending services

A joint Derby and Derbyshire Channel Panel has been in operation since 2007. The current panel membership is:

- Derby City Council
 - Community Safety
 - Childrens Field Safeguarding
 - Adults safeguarding
 - Youth Offending Service
- Derby Homes
- Derbyshire County Council
 - Community Safety
 - Youth Offending Service
 - Childrens Services
 - Safeguarding Adults
- Derbyshire Police
 - Prevent Policing Team
 - Regional Prevent Inspector
 - South Division Territorial Policing
 - East Midlands Special Operations Unit
- Childrens Safeguarding Partnership Education Group
- Derbyshire Community Health Services NHS Foundation Trust
- Derbyshire Healthcare NHS Foundation Trust
- Forensic Child and Adolescent Mental Health Services – Birmingham NHS Foundation Trust
- Integrated Care Board

- National Probation Service
- NHS Mental Health Foundation Trust
- Southern Derbyshire Acute Hospitals NHS Trust

Public/stakeholder engagement

- 5.1 None, in light of the obligation imposed on the Council as set out earlier at paragraph 4.1 and the sensitive nature of the Channel Panel

Other options

- 6.1 None, in light of the obligation imposed on the Council as set out earlier at paragraph 4.4.

Financial and value for money issues

- 7.1 There is no net cost to the Council of providing this support.

Legal implications

- 8.1 Other than the constitutional changes required to give effect to the recommendations, none arising directly from the report.

Climate implications

- 9.1 None

Other significant implications

- 10.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	09 December 2022
Finance	Janice Hadfield, Head of Finance	16 December 2022
Service Director(s)	Samantha Dennis, Director of Public Protection and Streetpride	14 December 2022
Report sponsor	Rachel North, Strategic Director of Communities and Place	16 December 2022
Other(s)	Alex Hough, Head of Democracy	09 December 2022

Background papers:	None
List of appendices:	Appendix 1 – Summary of proposed amendments Appendix 2 – Draft extract from Scheme of Delegations

Appendix 1

Public Protection and Streetpride – proposed amendments to Scheme of Delegations

Change	Comments
Add: Channel Panel – Counter Terrorism and Security Act 2015	To discharge the Council's statutory duties to set up a local panel (known as the Channel Panel) whose purpose is to identify and prepare a support plan for individuals considered to be vulnerable to being drawn into terrorism.

Appendix 2

Extract from Derby City Council Scheme of Delegations

PART F

MATTERS THAT ARE DELEGATED TO OFFICERS

OFFICERS' AREAS OF RESPONSIBILITY

STRATEGIC DIRECTOR OF COMMUNITIES AND PLACE & DEPUTY CHIEF EXECUTIVE

The Strategic Director, Communities and Place will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

A Statutory Executive Functions

- 1) All executive functions of the council:
 - as local planning authority [NOTE: issuing supplementary planning guidance, designating conservation areas, areas of archaeological interest and nature reserves, removing permitted development rights through Article 4 directions and making compulsory purchase orders are Executive decisions];
 - as highway authority and in respect of traffic regulation, public transport, building control, car parking and road safety, rights of way and open spaces including the health related functions of the council under the Highways Act 1980, Section 39 of the Road Traffic Act 1988 and Sections 63 and 93 of the Transport Act 1985;
 - as drainage authority;
 - in relation to building control, dangerous buildings and structures and safety of sports grounds;
 - in relation to arts and entertainments; and
 - in relation to libraries and museums services;
- 2) Crime and disorder;
- 3) Markets;
- 4) All executive functions of the council in relation to economic development;

- 5) Adopting land for recreational use;
- 6) Allotments;
- 7) Providing or securing the provision of recreational facilities under the Local Government (Miscellaneous Provisions) Act 1976;
- 8) Environmental health, environmental protection, control of pollution, food safety, licensing, health and safety at work, trading standards, weights and measures, and the health-related functions of the council under Sections 180 and 181 of the Local Government Act 1972;
- 9) Providing or procuring waste collection, recycling, waste treatment/disposal and street cleaning services, and providing and managing public conveniences including the health related functions of the council relating to this;
- 10) The functions of the council as a housing authority, in particular:
 - provision of housing by the council;
 - private sector housing services;
 - housing strategy and development;
 - homelessness and housing advice; and
 - home energy conservation.
- 11) Commissioning the council's delegated housing management services.

B Areas of responsibility

- Promoting the economic, social and environmental well – being of the city and communities.
- Managing the council's external affairs, including regional and European issues and acting as lead officer for the Sub-Regional Strategic Partnership and the Local Strategic Partnership;
- Dealing with twinning matters;
- Economic regeneration of the city and its communities;
- Managing and maintaining parks, recreation grounds, recreational facilities, open spaces, horticultural features, leisure gardens, cemeteries and crematoria;
- Managing grounds maintenance, refuse collection, street cleaning and fleet management;
- Providing building and construction works;
- Co-operating with other organisations in the promotion of local investment and employment opportunities;
- Managing corporate external funding programmes;
- Managing area and neighbourhood working, including neighbourhood boards and forums;
- Health, fitness, sport and recreation;
- Community centres, council activity centres and play schemes.
- Implementing minor environmental improvement and local drainage schemes.
- Approving plans and giving notices under Sections 16 and 28 of the Derbyshire Act 1981 and rejecting plans under Section 28 of the Act;
- Coordinating and managing emergency planning powers, mobilising the council's resources in the event of a major incident and liaising with the emergency services during the conduct of a major incident and subsequent recovery from an incident;
- Zoning of all relevant land under the Environmental Protection Act 1990 Part IV;
- Promoting and organising seasonal festivities;

- Developing and implementing environmental initiatives and projects;
- Administering environmental improvement schemes as part of area based renewal programmes;
- Managing occupational health, safety and welfare;
- Taking enforcement action against unsatisfactory housing conditions;
- Promoting standards within the private rented sector;
- Providing property services, including professional architectural, quantity surveying, electrical and mechanical engineering services;
- Managing energy efficiency and reporting on energy performance;
- Maintaining and improving other property (other than dwellings);
- Promoting home energy efficiency;
- Consider and determine applications to establish neighbourhood areas and neighbourhood forums;
- Maintaining and improving all dwellings and buildings owned by the council other than those falling within the Housing Revenue Account;
- Approving special expenditure on funerals of residents in council homes such as burial in special ground, in a distant churchyard or cemetery in a locality where the deceased had long standing connections, or on cremation to comply with the wishes of the deceased;
- Providing housing advice, administering housing allocations, including making allocations in exceptional circumstances outside the Allocations Scheme in accordance with the Housing Act 1996 and the Homelessness Act 2002, and securing accommodation for homeless people;
- Improving and renewing private sector housing, including Houses in Multiple Occupation and improving and renewing areas/zones, bringing empty homes back into use and undertaking periodic housing condition surveys;
- Taking enforcement action against unsatisfactory housing conditions;
- Promoting standards within the private rented sector;
- Administering disabled facilities grants;
- Agreeing the Derby Homes annual delivery plan and monitoring attainment of financial and non-financial performance against the plan and Derby Homes' Business Strategy;
- Designating council housing for identified communities of interest, such as older and younger people;
- Providing community and housing research and strategy, including enabling the provision of new affordable housing;
- Reimbursing on an ex gratia basis, amounts over £1,000 on claims for accidental damage caused to clients' houses or property by employees of the Adult Social Services Department or those under its direct control.

C Acting as Authorised/Proper Officer for the following matters

- To invoke powers under the Public Order Act 1986 to ensure the protection of the local authority's land and assets;
- To Issue, in consultation with the Director of Legal, Procurement and Democratic Services (Monitoring Officer), formal cautions in accordance with the Home Office Guidance for Offences under the New Roads and Street Works Act 1991;
- Appointing any members of staff to act as authorised or proper officers for the purposes of any legislation relating to the functions allocated in sections A and E;
- Appointing officers to discharge the enforcement functions of the Dogs (Fouling of Land)

Act 1996 in respect of parks and recreation grounds;

- Appointing Official Veterinary Surgeons and Inspectors for all purposes under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987, the Fresh Meat (Hygiene and Inspection) Regulations 1992 and the Poultry Meat, Farmed Game, Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994 and the Food Safety Act 1990;
- To act as or appoint the designated officer for discharging the functions and responsibilities under the Environmental Protection Act 1990;
- Appointing suitably qualified and experienced arbitrators for hackney carriage and private hire vehicles testing disputes as necessary;
- Appointing Public and Agricultural Analysts for all purposes under the Food Safety Act 1990 and Agriculture Act 1970;
- Appointing proper officers and alternate officers for the control of communicable diseases, food poisoning and compulsory removal of persons to hospital under section 47 of the National Assistance Act 1948;
- To carry out Trading Standards functions under the Enterprise Act 2002 the Intoxicating Substances (Supply) Act 1985, the Criminal Justice Act 1988, and the Antisocial Behaviour Act 2003; and
- For the purpose of compulsory powers, along with associated powers of entry, under the Housing and Planning Act 2016.
- To discharge the Council's statutory duties under Section 36 of the Counter Terrorism and Security Act 2015 to set up a local panel (known as the Channel Panel) whose purpose is to identify and prepare a support plan for individuals considered to be vulnerable to being drawn into terrorism.

The Strategic Director, Communities and Place is empowered to appointing any members of staff to act as authorised or proper officers for all purposes under the delegations of the directors within that directorate, in their absence.

D Drawing up the following policies and plans that form part of the policy framework:

- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan; and
- The Licensing Authority Policy Statement.