

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**9 September 2021**

**Report of the Managing Executive Director**

**PREVENT AND CHANNEL DUTIES AND PROPOSED AMENDMENTS TO  
THE CONSTITUTION**

**1. Divisions Affected**

1.1 County wide.

**2. Key Decision**

2.1 This is not a key decision.

**3. Purpose**

3.1 To inform Cabinet of the Council's duties and obligations under the Counter-Terrorism and Security Act 2015 (the CT&S Act), to seek approval to delegate responsibility to ensure that the Council's duties and obligations regarding the Prevent Duty are met to the Managing Executive Director and to propose that Council be asked to note and implement the required amendment to the Constitution as a result of the delegation.

**4. Information and Analysis**

4.1 Prevent is a key strand of the national Counter Terrorism Strategy 'CONTEST', together with three other strands, Prepare, Protect and Pursue. The Prevent strand of the Strategy aims to stop people from becoming terrorists or supporting terrorism. Prevent operates in a non-criminal space and is about supporting and protecting those people that

might be susceptible to radicalisation, ensuring that individuals are diverted away before any crime is committed. Prevent became a statutory duty for local authorities in July 2015 as part of the CT&S Act 2015.

The Channel Panel is one element of the delivery of Prevent which focuses on providing multi-agency support to people who are identified as being vulnerable to be drawn into terrorism, at an early stage. Channel Panel members assess the nature and extent of the risk to develop the support plan for the individuals concerned. In November 2020, the Government published revised Channel Duty Guidance which strengthens the role local authorities play in the Channel process.

In order to comply with statutory requirements the Council must:

- Complete local risk assessments.
- Have an effective multi-agency partnership board in place to oversee Prevent delivery.
- Have an agreed Prevent Partnership Plan.
- Have an agreed process for the referral of those identified as being at risk of radicalisation.
- Conduct a Channel Panel monthly with representation from all sectors
- Have a Prevent problem solving process in place to disrupt radicalising influences
- Have a training programme in place to ensure colleagues have the knowledge to apply their responsibilities under the duty.
- Have policies in place to ensure that public resources such as IT and venues are not accessed by radicalising influencers.
- Engage with a range of communities and have a communications plan in place.

Additional requirements in relation to the Channel Panel are to:

- Ensure a Channel Panel is in place
- Appoint a person to represent the local authority on the Panel and be satisfied that the person has the required skills and experience
- Appoint a Chair and Deputy Chair to ensure resilience of the Panel.
- Establish a clear governance structure.
- 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

4.2 Derby and Derbyshire has a combined Channel Panel, which Derby City Council chair and Derbyshire County Council hold the role of

Deputy Chair. This panel has been in place since 2015 when the requirement was originally introduced. Derby City is a priority area and as such receives funding to support delivery of this work, to this end they facilitate the meetings and provide administrative support.

- 4.2 Since 2015, significant progress has been made in addressing this agenda. In addition to the joint Channel Panel, a joint Prevent Steering Group has operational oversight of the development and delivery of the Prevent Action Plan, which incorporates the partnership elements of the Prevent Duty.

Elements which relate solely to the Council, are being progressed internally. These include a venue hire policy, scrutiny arrangements and amendments to the Council's Constitution.

As a priority area Derby is expected to have a dedicated Prevent Board which will oversee the delivery of local action plans to respond to the risk of radicalisation, and work with partners to embed safeguarding activity in statutory services including social care, health and education. There is an acknowledgement that the risk profile is different between the City and County and whilst these are not direct requirements in non-priority areas, the requirements would be deemed as good practice. In addition, many partners cover both jurisdictions. As such a joint governance board is currently being established. From a Derbyshire perspective the Board will report to the Derbyshire Community Safety Board.

- 4.3 As it is a designated statutory duty, Channel is required to be reflected in relevant local policy, guidance and the Councils Constitution. It is therefore proposed that reference to Prevent and Channel be made in the Constitution within the Health and Communities Portfolio.
- 4.4 The Chief Executive or Head of Paid Service must provide an annual Assurance Statement to the Home Office, detailing the named officers fulfilling the role of Chair and Deputy Chair and confirming that suitable arrangements are in place to meet the requirements set out in the guidance. The first Assurance Statement was submitted in April 2021.

It is therefore proposed that the responsibility:

*“To ensure that the Council discharges its functions and meets the obligations and requirements under the terms of the CT&S Act 2015, including the duty to ensure that a Channel Panel is in place for the Derbyshire area, together with the making of appropriate arrangements for a designated chair and vice-chair”*

is delegated to the Managing Executive Director and that this delegation is included within the Scheme of Delegations at Appendix 1 of the Council's Constitution.

Should this be agreed, a report will be presented to Council requesting that the Council notes and implements the required amendment to the Constitution.

## **5. Alternative Options Considered**

- 5.1 Alternative Option 1 - This could remain as a decision to be made by members. However, delegation to the Managing Executive Director will allow the business of the Panel to be conducted more efficiently and so enable the Council to better fulfil its obligations.
- 5.2 Alternative Option 2 - Responsibility under the CT&S Act 2015 could be delegated to another Officer, however the Channel Guidance requires the Chief Executive or Head of Paid Service to submit an Annual Assurance Statement. As such delegation to another Officer would not be appropriate.

## **6. Implications**

- 6.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **7. Background Papers**

- 7.1 Derbyshire County Council: Channel Panel Assurance Statement 2020/2021

## **8. Appendices**

- 8.1 Appendix 1 - Implications

## **9. Recommendations**

That Cabinet:

- a) Notes the Council's duties and obligations under the Counter-Terrorism and Security Act 2015 (the CT&S Act);
- b) Agrees the proposal to delegate the responsibility to ensure that the Council's duties and obligations under the CT&S Act 2015 are met to the Managing Executive Director;
- c) Recommends that Council notes and implements the required amendment to the Constitution as a result of the delegation; and

- d) Agrees that Prevent/Channel be referenced in the Councils Constitution within the Health and Communities portfolio and recommends that Council notes and implements the required amendment to the Constitution.

## **10. Reasons for Recommendations**

- 10.1 To comply with the provisions of the CT&S Act 2015
- 10.2 The Channel Guidance requires the Chief Executive or Head of Paid Service to submit an Annual Assurance Statement. As such delegation to another Officer would not be appropriate.
- 10.3 To comply with the provisions of the CT&S Act 2015
- 10.4 To comply with the provisions of the CT&S Act 2015

## **11. Is it necessary to waive the call in period?**

- 11.1 No

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## **Implications**

### **Financial**

1.1 None directly arising from this report.

### **Legal**

2.1 The obligations on local authorities regarding the provision of an appropriately chaired panel and as detailed in this report are specified in sections 36 and 37 of the CT&S Act 2015.

2.2 The functions and responsibilities as detailed in the legislation and outlined in this report are executive functions. Therefore, it is for Cabinet to determine any appropriate delegations regarding these functions. However, as only the Council can implement any changes to the Constitution, any determination to delegate any of the functions detailed in this report to an officer will need to be reported to Council for the required changes to the Constitution to be implemented.

2.3 In accordance with the Council's Constitution, it is for the Leader to determine the composition of Cabinet portfolios.

### **Human Resources**

3.1 The role of Deputy Chair of the Derby and Derbyshire Channel Panel will be a designated duty of the Head of Community Safety.

### **Information Technology**

4.1 None directly arising from this report.

### **Equalities Impact**

5.1 An EIA is not needed as this report relates to an administrative decision rather than an issue of policy. However, in undertaking their statutory duties, the Channel Panel is required to have due regard to the Public Equality duty.

### **Corporate objectives and priorities for change**

6.1 None directly arising from this report.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None directly arising from this report.