



## **Request to amend the Council's Constitution to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council.**

- 1.1 To amend the officer scheme of delegation to discharge the decision to refer an individual at risk of being drawn into terrorism, as defined within Section 36 of the Counter Terrorism and Security Act 2015 (CTAS 2015) and as modified by the Counter-Terrorism and Border Security Act 2019, to the Channel Co-ordinator within Manchester City Council, as the host authority for managing the administration of Channel Panels on behalf of the ten Greater Manchester authorities.
- 2. Operation of Channel**
  - 2.1 The Prevent programme is part of the Government's counter-terrorism strategy, CONTEST, which aims to prevent people from becoming terrorists, or supporting terrorism. The programme is designed to ensure that individuals who are identified as being at risk of being drawn into terrorism are given appropriate advice and support, so that they may turn away from radicalisation.
  - 2.2 The CTSA 2015 set out the duty on all local authorities and other organisations to pay due regard to the need to prevent individuals from being drawn into terrorism, and to raise concerns about an individual they believe is at risk of radicalisation. Section 36 of the Act placed a duty on local authorities to ensure that a single Channel panel was established in their area covering the needs of both adults and children.
  - 2.3 Section 36 of the Act also gave the power to police forces to refer an individual at risk of being drawn into terrorism to the local Channel Panel. This was modified by the Counter-Terrorism and Border Security Act 2019, which enabled local authorities, in addition to the police, to refer an individual at risk of being drawn into terrorism for discussion at a Channel panel. This amendment intended to streamline the process of referring individuals by removing some of the existing administrative burden on local authorities and the police to ensure that 'at risk' individuals could be supported in a timely manner.

- 2.4 In 2016, the Home Office piloted the Dovetail scheme involving Counter Terrorism Police and nine local authorities (one of which was Oldham). The pilot saw local authorities take on responsibility for case managing individuals referred to Channel, and the ancillary functions related to the responsibility, e.g. organising Channel panels.
- 2.5 In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Oldham has a Channel panel in place, has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it.
- 2.6 Since 2019, MCC on behalf of itself and the other nine authorities within G.M. has participated in further joint working to trial a new method of delivery for the Channel programme across both the Greater Manchester locality and as part of the North West Region involving teams from Blackburn with Darwen Borough Council on behalf of Cumbria and Lancashire and Liverpool City Council on behalf of Merseyside and Cheshire. In 2020, a Memorandum of Understanding was agreed between MCC and each of the G.M. authorities in relation to the joint working for the G.M. Channel Team.
- 2.7 Following agreement to participate in the new model of delivery across G.M., a dedicated Channel Team, hosted by MCC, was appointed to act on behalf of each local authority to manage the administration of Channel cases, including completion of the Vulnerability Assessment Frameworks, liaison with Counter Terrorism Policing colleagues and commissioning of intervention providers.
- 2.8 The Channel Co-ordinator, within MCC, is also responsible for undertaking Section 36 decisions on behalf of the Council. The Council's constitution will require amendment to delegate the legal duty for Section 36 decisions from the Council to MCC.

### **3. Legal Comments**

Legal comments contained within the report. (Colin Brittain).

### **4. Recommendation**

- 4.1 It is recommended to amend the Council's constitution to incorporate the following:

To delegate to the Channel Co-ordinator Supervisor at Manchester City Council, responsibility for decisions on whether to refer individuals at risk of being drawn into terrorism to Oldham's Channel Panel. These decisions are undertaken under Section 36 of the Counter Terrorism and Security Act 2015, as modified by the Counter Terrorism and Border Security Act 2019, and in accordance with the Greater Manchester Memorandum of Understanding for the operation of Channel.