

Wiltshire Council

Standards Committee

25 January 2023

Proposed Changes to the Constitution – Part 3D4: Scheme of Delegation (Licensing)

Purpose of Report

1. This report asks the Standards Committee to consider a proposed change to Part 3D4 of the Constitution.
2. The proposal is a minor change to the scheme of delegation in respect of licensing.

Background

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Licensing Committee deals with all of the council's responsibilities under the Licensing Act 2003 and Gambling Act 2005 and any other associated matters that naturally fall within the jurisdiction of the committee where legislation permits.

Main Considerations

5. As Licensing Authority the council operates a procedure for film classification where films do not already have a film classification from the British Board of Film Classification (BBFC). At present this requires members of the Licensing Committee viewing those films, and has been undertaken via a Sub-Committee.
6. At its meeting on 5 December 2022 the Licensing Committee agreed to amend its procedures, first to introduce fees charging for this process in line with other Licensing Authorities, and second to revise the licensing delegation arrangements in respect of Film Classification.
7. Under the revised process Part 3D4 of the Constitution would be amended to delegate classification and reclassification of films to officers, with an appeals to be heard by a Sub-Committee. The proposed amendments are shown in **Appendix 1**.
8. Although only a minor procedural change, this would be a constitutional amendment, so the Standards Committee is invited to make any comment it considers appropriate.
9. The report to Licensing Committee has been included for information at **Appendix 2**.

Overview and Scrutiny Engagement

10. Not applicable.

Safeguarding Implications

11. There are no safeguarding implications.

Public Health Implications

12. There are no public health implications.

Procurement Implications

13. There are no procurement implications at present.

Equalities Impact of the Proposal

14. There are no equalities implications.

Environmental and Climate Change Considerations

15. There are no environmental or climate change implications.

Risks that may arise if the proposed decision and related work is not taken

16. If the change is not approved there would continue to be unnecessary administrative and procedural delays in classifying and reclassifying films.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

17. No risks have been identified.

Finance Implications

18. There are no financial implications arising from this report. Any introduction of fees as recommended by the Licensing Committee would be considered by Full Council, and is separate to the procedural changes.

Legal Implications

19. There are no legal implications.

Workforce Implications

20. There are no workforce implications.

Conclusions

21. The change proposed is a minor procedural amendment, brought to the Standards Committee only because of its general remit having oversight of any constitutional changes.

Proposal

22. To recommend Full Council approve the changes to Part 3D4 as set out at Appendix 1.

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Appendix 1 – Proposed Changes to Part 3D4

Appendix 2 – Report to Licensing 5 December 2022

Background Papers

None

Appendix 1 – Part 3: Responsibilities for Functions

Addition at Part 3B new Para 8

Local Authority Panels

Channel Panel

8.1 The Channel Panel uses a multi-agency approach to protecting people vulnerable to being drawn into terrorism. The Channel Panel was established in line with the Counter-Terrorism and Security Act 2015.

8.2 The Channel Panel forms part of the council's Prevent Duty. The Cabinet Member with responsibility for Public Protection attends meetings of the Prevent Board.

8.2 The Channel Panel is required to:

8.2.1 Identify individuals at risk

8.2.2 Assess the nature and extent of that risk;

8.2.3 Develop the most appropriate support plan for the individuals concerned.

8.3 The key requirements of the Channel Panel:

8.3.1. The local authority is the Channel Panel Chair;

8.3.2. Membership of the panel must include the local authority and the police as they have principal responsibility for Channel in their area;

8.3.3. Minimum membership of the panel includes:

- The local authority representative, as chair (Public Health Principal for Vulnerable Communities)
- Public Health Practitioner for Prevent and Safer Communities
- Counter Terrorism Policing South West Prevent Officer
- Safeguarding representation (as determined by the age of the case)
- Mental Health representation if mental health concerns are present (service dependant on age of case)
- Minute taker (Public Health)

Additional members from agencies relevant to the case are requested which could include education providers, voluntary community groups, or probation services or others as appropriate.

8.3.4. The panel to develop a support plan for individuals accepted as channel cases.

8.3.5. The panel to consider alternative forms of support, including health and social services, where Channel is not appropriate.

8.3.6. The panel to ensure that the council's functions to safeguard and promote the welfare of children under section 11 of the Children Act 2004 are discharged;

8.3.7. All partners of a panel, so far as appropriate and reasonably practicable, to cooperate with the police and the panel in the carrying out of their functions;

8.3.8. Each case is handled separately; people deemed appropriate to receive support will have a tailored package developed for them, according to their identified vulnerabilities.

8.3.9. Where the panel is unable to make a unanimous decision, the question must be decided by a majority of the panel. Where the panel is unable to make a majority decision, the question must be decided by the Channel Panel Chair. In certain circumstances the Chair may wish to escalate the question internally through the agreed governance route.