



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend a Meeting of the Sefton Metropolitan Borough Council to

be held on **Thursday 19th May, 2022 at 6.30 pm at the Town Hall, Bootle** to

transact the business set out on the agenda overleaf.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Dwayne D.', with a horizontal line extending to the right.

Chief Executive

Town Hall,
Southport

Wednesday 11 May 2022

Please contact Paul Fraser, Senior Democratic Services Officer
on 0151 934 2068 or e-mail paul.fraser@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

A G E N D A

1. Election of Mayor for 2022/23

2. Apologies for Absence

3. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

4. Election of Deputy Chair for 2022/23

5. Minutes of Previous Meeting

(Pages 5 - 24)

Minutes of the meeting held on 21 April 2022

6. Mayor's Communications

Public Session

7. Matters Raised by the Public

To deal with matters raised by members of the public resident within the Borough, of which notice has been given in accordance with the procedures relating to public questions, motions or petitions set out in Paragraph 36 to 47 of the Council and Committee Procedure Rules in Chapter 4 of the Council Constitution.

(Details of any petitions notified or questions submitted by members of the public will be circulated at the meeting).

Council Business Session

8. Questions Raised by Members of the Council

To receive and consider questions to Cabinet Members, Chairs of Committees or Spokespersons for any of the Joint Authorities upon any matter within their portfolio/area of responsibility, of which notice has been given by Members of the Council in accordance with Paragraph 49 to 51 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

9. Election Results - 5 May 2022

(Pages 25 -
30)

To receive and note the report of the Chief Executive and Returning Officer on the results of the Council Elections held on 5 May 2022

10. Leader of the Council

To note that in accordance with the provisions in Paragraph 4 of Chapter 5 in the Council Constitution, the Council, at its meeting held on 16 May 2019 appointed Councillor Ian Maher as Leader of the Council for a period of four years until the Adjourned Annual Council Meeting in May 2023, or until such time as his term of office expires.

11. Cabinet and Deputy Leader of the Council

(Pages 31 -
32)

Report of the Leader of the Council

12. Appointment of Committees and Sub-Committees 2022/23

Report of the Chief Legal and Democratic Officer to follow

13. Appointment of Representatives on the Merseyside Joint Authority Bodies 2022/23

Details of the proposed representation on the Merseyside Joint Authority bodies for 2022/23 to follow

14. Financial Management 2022/22 to 2025/26 and Framework for Change 2020 - Revenue and Capital Budget Update 2022/23 - Additional Capital Estimates

(Pages 33 -
38)

Report of the Executive Director of Corporate Resources and Customer Services

15. Arrangements for Cheshire and Merseyside Integrated Care System Joint Scrutiny Committee

(Pages 39 -
64)

Report of the Chief Legal and Democratic Officer

16. Motion Submitted by Councillor Corcoran - Tackling Transphobia

(Pages 65 -
66)

17. Dates of Council Meetings 2022/23

To note that the Council meetings scheduled to be held during the Municipal Year 2022/23 are as follows:

- 14 July 2022
- 15 September 2022
- 17 November 2022
- 19 January 2023
- 2 March 2023 (Budget Meeting)
- 20 April 2023

COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 21ST APRIL, 2022

PRESENT: The Mayor (Councillor Carragher) in the Chair

Councillors Atkinson, Bennett, Bradshaw, Brodie - Browne, Brough, Byrom, Carlin, Carr, Cluskey, Corcoran, Cummins, D'Albuquerque, Dowd, Doyle, Dutton, Fairclough, Friel, Grace, Halsall, Hansen, Hardy, Howard, Irving, Jones, John Joseph Kelly, Sonya Kelly, Killen, Lappin, Lewis, Ian Maher, Chris Maher, McKinley, Moncur, Murphy, Myers, O'Brien, Page, Prendergast, Pugh, Riley, Robinson, Roche, Roscoe, Sathiy, John Sayers, Yvonne Sayers, Shaw, Spencer, Thomas, Lynne Thompson, Tweed, Veidman, Waterfield and Wilson

117. WELCOME

The Mayor welcomed members, officers and members of the public to the meeting of the Council.

118. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blackburne, Brennan, Burns, Dodd, John Kelly, Sonya Kelly, McGinnity, Morris, Anne Thompson, Sir Ron Watson and Webster.

119. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

120. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council meeting held on 3 March 2022 be approved as a correct record.

121. MAYOR'S COMMUNICATIONS

Councillors Not Seeking Re-Election

The Mayor reported that this was the last Council meeting before the Council Elections on 5 May 2022 and that she was aware that the following Councillors would not be seeking re-election:

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Councillor Janis Blackburne who has served on Sefton Council for four years;

Councillor Daniel Lewis who has served on Sefton Council for eight years.

On behalf of the Council, the Mayor indicated that she wished to thank those Members for their dedicated service to the people of Sefton and she extended her best wishes to them for the future.

Mayor 2022/23

The Mayor indicated that for those who did not already know that she had been nominated for the office of the Mayor of Sefton for a further year - 2022/23 and that the appointment would take place at the Annual Council meeting to be held on 19 May 2022 at Bootle Town Hall. In those circumstances she had decided not to have an installation dinner.

Death of Ralph Gregson MBE

The Mayor reported with great sadness on the loss of former Councillor Ralph Gregson MBE, who passed away on 6 April 2022.

Ralph Gregson was elected to the former Southport No. 6 Ward (which later became the Birkdale Ward) on 10 May 1973 and served on the Council for 13 years.

Mr. Gregson was awarded an MBE from the Queen in 1999 for his many years of volunteering in Southport; and outside of politics Mr. Gregson was a longstanding and active member of the Birkdale Civic Society.

Councillors Brough and Shaw paid tribute to former Councillor Ralph Gregson.

The Council then observed a one-minute silence as a mark of respect for former Councillor Ralph Gregson.

Mayor of Sefton's Gala Charity Ball 2022

The Mayor reported that her Gala Charity Ball was held on Saturday 26 March 2022 and was a great success. Over 180 people attended the event in the Bliss Hotel, Southport, and a great deal of money was raised on the night that would go towards the Mayor's Charity Fund; and the Mayor said a special thank you to all those Members who attended and supported the event. The Mayor concluded that she was currently planning events for her second term of office and that she would keep the Council updated on these during the course of the year.

Mayor's Lottery

The Mayor reported that at each Council meeting she would take the opportunity to remind members to sign up for the Mayor's Lottery. The

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Lottery cost £2 per month to enter and would be deducted directly from Members' allowances. Half of the proceeds from the lottery would go towards the Mayor's Charity Fund.

Mayoress Mrs. Audrey Stanson

The Mayor thanked Members for their kind thoughts and support during the recent illness of her mother and Mayoress Mrs. Audrey Stanson.

Hillsborough

The Mayor commented on the recent 33rd anniversary of the Hillsborough disaster in which 97 Liverpool supporters lost their lives, 18 of whom were Sefton residents.

The Council then observed a one-minute silence as a mark of respect for the 97 supporters who lost their lives in the disaster.

122. MATTERS RAISED BY THE PUBLIC

The Mayor reported that a public petition had been received containing the signatures of 507 people and that the summary of the petition stated:

Public Petition - Save the Promenade in Crosby Coastal Park

We the undersigned petition the council to save the Promenade in Crosby Coastal Park and the Multi-use Path on top of it by clearing the sand from its top surface, removing the sand from the beach side of the revetment, and restoring its surface, railings and signage.

It is the official policy of Sefton MBC's Cabinet and of Green Sefton to keep the promenade clear of sand, but Green Sefton struggle to do so within their budget and resources of manpower and machinery. There is therefore a kind of unofficial policy of neglect which has intensified over recent years. Sand dunes have built up on both sides of the seawall/promenade. Sand covers the existing Multi-use Path for pedestrians, cyclists, wheelchair users, etc. on top of the promenade, in particular between the point on the prom where it is joined by the access path from Blucher Street car park past the water treatment works, and a point opposite Crosby Leisure Centre at Mariners Road.

The Council's 'Vision' for the future of Crosby Coastal Park up to 2030 included proposals for a new inland Multi-use Path in the Marine Park between Mariners Road and Cambridge Road ('Zones D and E'). The Seafront Residents' Action Group (SRAG) and others have long campaigned for the Council to keep the promenade in good repair, and its existing Path open, and free from sand.

SRAG has opposed the new proposed inland Multi-use Path, which is billed as an alternative to the one on the prom, but in the prevailing circumstances is almost certainly going to be a substitute for it. The

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Council are about to launch an application for planning permission for the new Path, which if allowed would run through the Park between Blundellsands Road West and Cambridge Road, with a section along Endsleigh Road. They consulted on most of it being 3m (10') wide, but their planning application will ask for permission for it to be 4m (13') wide, and as such it would look like a road bisecting and attacking the green space of the Park. The existing Path on the prom is actually wider and potentially safer for multiple use, and is further away from residences, but its true dimensions are partially concealed by sand.

A retired engineer whose company used to contract with the Council to keep the sand away from the seawall by moving it to the mean low tideline has proposed that a reputable firm or firms could remove the dune from the beach and clear the dunes from the top of the prom for free or at little cost, provided they could retain the sand themselves for recycling. It could be done in a manner that would create minimal disruption to the general public, though it would require planning for the necessary logistics and contractual arrangements.

In August 2021 SRAG alerted the Council and suggested meetings between Councillors and Officials with representatives from the company or companies potentially involved. Green Sefton have said that this proposal is not feasible and is undesirable. SRAG are continuing to press for its feasibility to be properly considered. It is clearly desirable in the short term, though there would be heavy machinery working on the beach and lorries removing the sand for a period.

Undertaking this work would remove the dangers now posed by hidden hazards such as wire at ankle level, half-buried signage and broken fencing. It would potentially reduce the sand blow into the Marine Lakes, obviating or mitigating the need to dredge it from time to time.

The existing promenade route is scenic and preferable to an inland alternative route, whether for leisure or commuting. It runs alongside the iconic statues of Antony Gormley's 'Another Place'. It has recently been adopted by the Secretary of State for the Environment as part of the new National Trail, the England Coast Path. It needs to be kept open, not least to prevent roll back of the Trail towards seafront residences.

Green Sefton say that in advance of any formal discussion with sand winning companies that an Environmental Impact Assessment would be required to address the impact on coastal habitats and species in the wider Liverpool Bay, River Mersey and Sefton Coast; and it would need to be assessed by Natural England as the site has multiple local, national and international scientific and nature designations. So be it. The Park was created before the designations were made. Where there is a will there is a way.

They also say that a Feasibility Study by an external consultant would be required which has cost implications.

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The offer is of free or low-cost sand removal. We ask the Council to consider whether to undertake and fund the necessary Environmental Impact Assessment and Feasibility Study.

The dunes in front of Waterloo and Brighton-le-Sands have formed relatively recently in front of a densely populated residential area. They have at least in part been made by human intervention, including fencing, planting and the deposit of used Christmas trees. The considerations that apply should take into account all the other benefits of a scenic route for walking and cycling along the coast and through an amenity park which has become a hybrid of amenity and natural enclave, before dismissing an idea whose time has come through a chain of circumstances. These beachside sandhills of the Marine Park are hardly a genuine part of the much more important and valuable dunescape of the Sefton coast, which is the largest in England and runs for 12 miles to their north. They are a recently formed small adjunct to it.

The promenade was created between February 1969 and July 1973 as part of the 'seaside improvements' which created the Marine Park part of Crosby Coastal Park. It was funded at considerable expense by Crosby Borough out of local funds and it is a key asset of green infrastructure which should be cherished. No part of it ought to be buried and abandoned by its successor Local Authority.

We petition the Council to SAVE THE PROM!

In accordance with the Councils Constitution, the Lead Petitioner was advised of his right to make representations to the Council, not lasting more than 5 minutes. Mr. Wolstenholme addressed the Council for 5 minutes in respect of the terms of the petition.

The Cabinet Member for Health and Wellbeing, Councillor Moncur, responded to the petition and made the following points:

- The Council had continually responded to correspondence submitted by the Seafront Residents' Action Group on this issue
- The sand winning proposals suggested by SRAG could result in the removal of around 720,000 cu m of sand from the area (over 1 million tonnes); and that if 20T wagons were used this would involve 87,500 vehicle movements through suburban areas of Crosby and Waterloo which would be detrimental to local residential amenity and highway safety. A sand winning operation in Southport generated many complaints from residents concerning HGV movements on local roads
- Heavy plant and machinery would also be required in the promenade area which would require risk assessments to be undertaken and the closure of public paths whilst work was being undertaken. Working hours would be dictated by tidal sequences and consideration may have to be given to early morning and late-night working, again to the detriment of residential amenity

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- A feasibility study would likely be required by an external consultant to address some of the many questions raised and there would be a cost associated with this. Furthermore, environmental impact assessments would have to be undertaken due to the nature of the proposed works
- Other considerations included the long-term implications for coastal defence, as the build-up of sand protected the seawall from wave impact and damage and thus would delay the need for repairs and replacement; in respect of the Climate emergency the predicted increase in sea levels and extreme wave height meant that sea defences were likely to be impacted more in the future and the sand accumulation may provide some degree of a buffer against this; and an assessment of the impact in terms of the decarbonisation agenda would be required in respect of the upgrading of existing routes / installing new routes, repairing/replacing sea defences and sand removal operations

Members then debated the petition.

Thereafter, it was moved by Councillor Moncur, seconded by Councillor Cummins and

RESOLVED: That:

- (1) the lead petitioner be thanked for submitting and presenting the petition to the Council;
- (2) the terms of the petition be noted; and
- (3) it be noted that the Council will give due consideration to the points raised in the petition and in the email from the petitioner to all members in support of the petition and any points raised in the future by the Seafront Residents' Action Group.

123. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by:

- (1) Councillor Sir Ron Watson to the Council spokesperson on the Merseyside Police and Crime Panel (Councillor John Sayers)
- (2) Councillor Sir Ron Watson to the Council spokesperson on the Merseyside Police and Crime Panel (Councillor John Sayers)
- (3) Councillor Brough to the Cabinet Member – Children's Social Care (Councillor Doyle)
- (4) Councillor Prendergast to the Leader of the Council (Councillor Ian Maher)

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- (5) Councillor Sir Ron Watson to the Leader of the Council (Councillor Ian Maher)
- (6) Councillor Sir Ron Watson to the Leader of the Council (Councillor Ian Maher)

together with the responses given. Due to the absence of Councillor Sir Ron Watson at the meeting no supplementary questions in respect of questions 1, 2, 5 and 6 were raised. Supplementary questions to questions 3 and 4 were responded to by the Leader of the Council and the Cabinet Member – Children’s Social Care.

124. NEW REALITIES 2022

Further to Minute No. 126 of the meeting of the Cabinet held on 7 April 2022, the Council considered the report of the Executive Director – People seeking approval of a revised New Realities Protocol which had been co-produced with the Voluntary, Community and Faith (VCF) Sector.

A copy of the New Realities Protocol was attached to the report.

It was moved by Councillor Maher, seconded by Councillor Fairclough and

RESOLVED:

That the revised new realities protocol be approved for adoption.

125. REVIEW OF THE 2021-2022 MEMBER DEVELOPMENT PROGRAMME AND PROPOSED STRATEGY FOR THE 2022-2023 PROGRAMME

The Council considered the report of the Executive Director of Corporate Resources and Customer Services that provided a review of the Member Development Programme that ran in 2021-22 and proposals for the 2022/23 Programme. A copy of the Member Induction Programme for 2022 was attached to the report.

It was moved by Councillor Lappin, seconded by Councillor Fairclough and

RESOLVED: That

- (1) the Sefton Council Member Development Programme for the 2022-2023 Municipal Year be rolled forward;
- (2) the following non-statutory courses be continued to be designated as mandatory:
 - Information and Compliance
 - Safeguarding Children Awareness
 - Safeguarding Adults Awareness
 - Corporate Parenting;

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- (3) the establishment of a Member Development Steering Group comprising representation from the respective political groups be approved and the Cabinet Member – Regulatory, Compliance and Corporate Services be authorised to approve the membership and terms of reference of the Steering Group; and
- (4) the intention to work towards achievement of the North-West Member Development Charter for Sefton be noted and endorsed.

126. ICT ACCEPTABLE USAGE POLICY

Further to Minute No. 43 of the Audit and Governance Committee held on 16 March, the Council considered the report of the Executive Director of Corporate Resources and Customer Services, seeking approval for revised security policy documentation relating to the authority's ICT estate. The policy document provided a yearly review of the ICT Acceptable Use Policy and last reviewed by the Audit and Governance Committee on 16 March 2022.

It was moved by Councillor Lappin, seconded by Councillor Fairclough and

RESOLVED: That

- (1) the revised security policy documentation relating to the authority's ICT estate be approved; and
- (2) the internal publication of the Acceptable Use Policy be approved.

127. SEFTON COUNCIL POLICY ON DEALING WITH THE ON-LINE ABUSE AND INTIMIDATION OF COUNCILLORS

The Council considered the report of the Chief Legal and Democratic Officer that sought to introduce a policy to assist Members dealing with social media and to provide advice and assistance if they considered that they were subject to on-line abuse and intimidation. The draft Sefton Council Policy on Dealing with the On-Line Abuse and Intimidation of Councillors was attached to the report.

It was moved by Councillor Lappin, seconded by Councillor Fairclough and

RESOLVED:

That the Sefton Council Policy on Dealing with the On-Line Abuse and Intimidation of Councillors be endorsed.

128. SOCIAL HOUSING ALLOCATIONS SCHEME

Further to Minute No. 115 of the meeting of the Cabinet held on 10 March 2022, the Council considered the report of the Head of Economic Growth and Housing indicating that since 2012, the Council had been part of the Merseyside sub regional social housing allocations scheme known as

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Property Pool Plus (PPP). Following a review of the policy, which included extensive community consultation and concluded in early 2021, a final draft of the policy which updated the current version of the policy had now been agreed between all the other Liverpool City Region local authorities. Approval was sought on this final revised Allocations Policy and for the arrangements for the introduction of a new IT system to support the operation of the new policy and scheme.

It was moved by Councillor Hardy, seconded by Councillor Fairclough and

RESOLVED:

That a Supplementary Capital Estimate for the scheme of £65,000, funded from the Cost of Change budget, be approved.

129. MEMBERSHIP OF COMMITTEES 2021/22

No changes to memberships of Committees were made.

130. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 46 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY) OF THE CONSTITUTION

The Council considered the report of the Leader of the Council in relation to a matter that was dealt with in accordance with Rule 46 (waiving call-in) of the Access to Information Procedure Rules of the Council Constitution, whereby "call in" was waived.

It was moved by Councillor Grace, seconded by Councillor Fairclough and

RESOLVED:

That the report be noted.

131. MATTERS DEALT WITH IN ACCORDANCE WITH RULE 29 OF THE ACCESS TO INFORMATION PROCEDURE RULES (SPECIAL URGENCY) OF THE CONSTITUTION

The Council considered the report of the Leader of the Council in relation to a matter that was dealt with in accordance with Rule 29 (Special Urgency) of the Access to Information Procedure Rules of the Council Constitution, whereby the decision was urgent.

It was moved by Councillor Grace, seconded by Councillor Fairclough and

RESOLVED:

That the report be noted.

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132. MOTION SUBMITTED BY COUNCILLOR WILSON - A FAIR DEAL FOR LYDIATE, MAGHULL AND AINTREE - RETURN THE DOUBLE RATING REBATE TO THE TOWN AND PARISH COUNCILS

It was moved by: Councillor Wilson, seconded by: Councillor Carr:

That:

This Council notes that as part of the overall council tax precepts for this year, that in addition to Sefton Precept, the precepts agreed by both Lydiate Parish Council (8.67%) and Maghull Town Council (12%) are significantly in excess of inflation rates.

Parish and Town councils are now having to significantly increase the precept and adjust budgets because of the continued inequity in the funding of Parks within the Borough.

Unlike other areas of the Borough (Bootle, Crosby, Formby and Southport) there are no Sefton maintained Parks in Lydiate, Maghull and Aintree and these are paid for by separate Parish and Town Council precepts. This has been the case for many years and was initially accepted by the Parishes as all Councils were hit with Austerity measures. This can no longer be accepted without a challenge, as it is no longer sustainable.

Previously this inequity in Parks funding was accepted by the Council and Town/Parish Councils were given a financial rebate but this ended some years back. This rebate amounts to approximately £140,000 per year to Maghull and £46,000 to Lydiate

With a multi £Million-pound budget it is not beyond the wit of Council Officers and Members to make good this lost provision and right a wrong to the residents and Council Tax-payers of Lydiate, Maghull and Aintree

Accordingly, the Executive Director of Corporate Resources and Customer Services be requested to look at this inequity and report back to Council in due course on proposals that will be a Fair Deal for Lydiate and Maghull as well as Aintree.

Following a debate on the Motion; and the requisite number of Members present requesting that the voting on the Motion be recorded in accordance with Rule 95 of Chapter 4 in the Constitution the Members of the Council present at the time voted as follows:

FOR THE MOTION

Councillors Bennett, Brodie-Browne, Brough, Carr, D'Albuquerque, Dutton, Irving, Jones, Lewis, McKinley, Prendergast, Pugh, Riley, Sathiy, John Sayers, Yvonne Sayers, Shaw, Lynne Thompson and Wilson.

AGAINST THE MOTION

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Atkinson, Bradshaw, Byrom, Carlin, Cluskey, Corcoran, Cummins, Dowd, Doyle, Fairclough, Friel, Grace, Halsall, Hansen, Hardy, Howard, John Joseph Kelly, Killen, Lappin, Christine Maher, Ian Maher, Moncur, Murphy, Myers, O'Brien, Page, Robinson, Roche, Roscoe, Spencer, Thomas, Tweed, Veidman, Waterfield and the Mayor.

The Mayor declared that the **Motion was lost** by 19 votes to 35.

133. MOTION SUBMITTED BY COUNCILLOR PRENDERGAST - LOCAL AUTHORITY PUBLICITY

It was moved by: Councillor Prendergast, seconded by: Councillor Brough:

That:

This Council adheres to the Code of Recommended Practice on Local Authority Publicity issued by the Department for Communities and Local Government (31st March 2011 edition) ('the Code'). The public have a legitimate expectation that public money will not be used for party political purposes.

It is therefore, highly regrettable that the Leader of the Council has chosen to disregard the Code and proceed to print and deliver thousands upon thousands of letters and send out many thousands of emails (at the expense of Sefton Metropolitan Borough Council) of a clearly political nature which accompanied the recently issued Council Tax Bills.

These letters, a copy of which is attached, may well breach the Code.

Therefore, this Council resolves:

- To instruct the Chief Legal and Democratic and Monitoring Officer to carry out an urgent investigation into whether the attached letter breaches the Code (instructing outside counsel if he feels it appropriate), and
- For the results of the investigation to be presented to the Audit and Governance Committee in the form of a report at the earliest opportunity for Members to consider.

Following a debate on the Motion the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was lost** by 11 votes to 35 with 7 abstentions.

134. MOTION SUBMITTED BY COUNCILLOR IAN MAHER - COST OF LIVING CRISIS

It was moved by: Councillor Maher, seconded by: Councillor Moncur:

That:

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The cost-of-living crisis is hammering families in Sefton. But all we got from the Conservative Chancellor in his Spring Statement was a promise of a tiny bit of jam tomorrow rather than the real support that is needed now – and now we learn that workers in Sefton are facing a sharp squeeze on their wages, losing £953.37 from an average pay packet by next year.

His spring statement was the day for the Chancellor to scrap his unfair tax hike on working people and on businesses. It was the day for him to bring in a one-off windfall tax on oil and gas producers, to take up to £600 off people's energy bills. It was the day to set out a plan for British businesses.

In failing to do any of these, the Chancellor made the wrong choices for Sefton, and our Country.

We've got to get a grip on spiralling inflation and the rising cost of living crisis which is leaving people worse off and facing financial crisis.

Not only is it leaving people worse off and worried about paying the bills - it's stopping their spending going back into our local economy so our businesses and our growth is suffering. The Chancellor has left households and businesses to fend for themselves in the middle of a cost-of-living crisis, as we're set to see the biggest drop to incomes on record this year.

For every £6 the Chancellor has taken in tax since becoming Chancellor, he's giving back just £1 today.

As such, this Council calls on the Conservative Government:

- (1) To immediately scrap the national insurance increase;
- (2) To impose a windfall tax on oil and gas companies and use this to take £600.00 off people's energy bills;
- (3) To re-introduce the triple lock for pensions immediately.

An **amendment** was moved by Councillor Brodie-Browne, seconded by Councillor Pugh that the Motion be amended by the addition of the following:

"4) To reduce the standard rate of VAT from 20% to 17.5% for one year, meaning a further saving of £600 to the average household".

Following debate on the **amendment** Councillor Ian Maher, as Mover of the Motion indicated that he accepted the **amendment** as a "friendly amendment" in accordance with paragraph 72 of Chapter 4 in the Constitution and it was unanimously:

RESOLVED: That:

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- (1) To immediately scrap the national insurance increase;
- (2) To impose a windfall tax on oil and gas companies and use this to take £600.00 off people's energy bills;
- (3) To re-introduce the triple lock for pensions immediately; and
- (4) To reduce the standard rate of VAT from 20% to 17.5% for one year, meaning a further saving of £600 to the average household.

135. MOTION SUBMITTED BY COUNCILLOR CARLIN - SEFTON COUNCIL RACE EQUALITY DECLARATION OF INTENT

It was moved by Councillor Carlin, seconded by Councillor Corcoran:

That:

Sefton is home to many people from many diverse racial and ethnic backgrounds and they are key members of our communities. The Council recognises that those of a Diverse Ethnic Background are not homogenous – different communities and individuals within communities

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have differing needs. Needs that should not be defined by stereotyping or presumptions. This Council understands and acknowledges that systemic and institutional racism is an issue affecting the outcomes for all those who identify with having a Diverse Ethnic Background (DEBs – Previously known as Black, Asian, and Minority Ethnic/BAME).

The Pandemic -and its disproportionate impact on disadvantaged groups and ethnic minorities - and the Black Lives Matters Movement give social and racial justice a new level of urgency. There is strong expression of the need for change.

Sefton Council accepts that it has an important role to play in tackling race injustice and inequality and driving forward positive change.

- As a major employer, we must look internally at our own organisation, and ensure that it is representative of the population we serve, welcoming, safe and inclusive, and that DEBs staff have equality of opportunity to develop and succeed.
- As a lead organisation within the community, we have a responsibility to ensure our services are accessible to all of our residents.
- Finally, as a partner in the Liverpool City Region Race Equality Programme, we must use our commitment to race equality to help identify best practice for us, and other organisations and stakeholders, to follow.

The council recognises that there is work to do in order to have a workforce where the percentage of DEBs staff reflects that of the borough's DEBs community in terms of DEBs staff in the Council's workforce and DEBs representation at a director and senior management level.

Proportional representation in the workforce is only one indicator of race equality in employment. An equally important indicator is the 'lived experience' of DEBs staff and DEBs residents, and we know that tackling the impact of systemic and institutional racism is the key issue to achieve.

Sefton Council is working with the Combined Authority and the other Liverpool City Region (LCR) Councils to develop and deliver a Race Equality Programme that seeks to meet the shared vision of "tackling systemic injustice and inequality and driving forward positive change for our DEBs employees and residents - influencing the partners we work with to do the same".

Sefton Council is committed to emerge from the current crisis and achieve the Sefton Council Strategy vision of *A Confident and Connected Borough*.

Our Race Equality Declaration of Intent supports and embodies the Sefton 2030 Vision priority of *"Together a Stronger Community"*. It contributes to

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ensuring that *"We focus on our similarities and the strength that comes from diversity, but never on our differences"*.

The Success of this intent will be measured by demonstrating that "people feel safe and supported" and ensuring that "people are influencing decisions which affect them and communities work together and with partners to deliver effective change".

This Council therefore will:

- Support an inclusive and safe workplace environment for DEBs Staff.
- Provide a mandatory equality and diversity training programme for all staff and councillors and ensure it is undertaken by staff and councillors, with the programme continuing to capture all future new starters to the organisation.
- Demonstrate 'due regard' to race equality in employment policy and decisions.
- Work with the DEBs Staff Group to understand how the organisation can improve.
- Ensure discrimination and harassment cases are investigated and outcomes reached within reasonable timescales.
- Set up a Racial Equality Monitoring Group – drawing on the expertise from Councillors, from DEBs staff, local communities, residents, young citizens, critical race theories, local organisations and anti-racism charities, businesses, and other relevant parties. Within this over the following 12 months, the group will consider strategies and actions being developed by the Council and other partner organisations and develop a Borough-wide strategy in line with the Liverpool City Regions targets of 2025/2026. It will also recommend ways we can maximise the voice of the DEBs staff group, promote improvements in the number of DEBs staff, improve retention, and promote progression into Senior leadership roles.
- It will obtain data on DEBs staff and be able to assess this data and use it to set obtainable targets around DEBs staff – including having a minimum number of DEBs staff based on local and regional demographics and based on the makeup of individual professions. Within this the working group will also assist in promoting the DEBs staffing group throughout the Council and the Borough.
- Monitor impact assessment of policy and decisions.
- Promote good race relations and raise public awareness through the council's commitment to race equality, diversity, and inclusion.

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- Develop more responsive, accessible, safe, and inclusive services that meet the needs of our increasingly diverse community.
- Develop a coordinated communication strategy in relation to the council's commitment to race equality, diversity, and inclusion – which maximise the opportunity to improve awareness of good race relations, and acknowledge, value, and celebrate cohesion and diversity.
- Review and improve the Community Impact Assessment process and ensure all necessary staff are trained to complete assessments effectively.
- Review and improve the Council's Equality Monitoring processes to ensure appropriate collection, storage and use equality profile data to provide meaningful information to demonstrate equality of opportunity in service access, quality, and outcome.
- Support inclusive participation in engagement strategies for residents, community organisations, and businesses, representing people who share protected characteristics.
- Ensure an Annual Equality Monitoring report is undertaken – which will include the outcomes of staff training, discrimination and harassment monitoring, and impact assessment of policies and decisions. This will also include rigorous and substantial community impact assessments.
- Sefton Council will support LCR Race Equality Programme and its target of substantial change in both policies and practices by 2025.

Following a debate, the Mayor declared the **Motion to be carried** unanimously and it was

RESOLVED: That

Sefton is home to many people from many diverse racial and ethnic backgrounds and they are key members of our communities. The Council recognises that those of a Diverse Ethnic Background are not homogenous – different communities and individuals within communities have differing needs. Needs that should not be defined by stereotyping or presumptions. This Council understands and acknowledges that systemic and institutional racism is an issue affecting the outcomes for all those who identify with having a Diverse Ethnic Background (DEBs – Previously known as Black, Asian, and Minority Ethnic/BAME).

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Sefton Council accepts that it has an important role to play in tackling race injustice and inequality and driving forward positive change.

- As a major employer, we must look internally at our own organisation, and ensure that it is representative of the population we serve, welcoming, safe and inclusive, and that DEBs staff have equality of opportunity to develop and succeed.
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The Success of this intent will be measured by demonstrating that "people feel safe and supported" and ensuring that "people are influencing decisions which affect them and communities work together and with partners to deliver effective change".

This Council therefore will:

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- Support an inclusive and safe workplace environment for DEBs Staff.
- Provide a mandatory equality and diversity training programme for all staff and councillors and ensure it is undertaken by staff and councillors, with the programme continuing to capture all future new starters to the organisation.
- Demonstrate 'due regard' to race equality in employment policy and decisions.
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- Monitor impact assessment of policy and decisions.
- Promote good race relations and raise public awareness through the council's commitment to race equality, diversity, and inclusion.
- Develop more responsive, accessible, safe, and inclusive services that meet the needs of our increasingly diverse community.
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- Review and improve the Council's Equality Monitoring processes to ensure appropriate collection, storage and use equality profile data to provide meaningful information to demonstrate equality of opportunity in service access, quality, and outcome.
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- Sefton Council will support LCR Race Equality Programme and its target of substantial change in both policies and practices by 2025.

136. MOTION SUBMITTED BY COUNCILLOR HALSALL - WORK OF TRADE UNIONS

It was moved by Councillor Halsall, seconded by: Councillor Carlin:

That:

Sefton Council notes the excellent work our trade unions do to protect workers' rights in our borough. The work the trade unions do both in workplaces and lobbying on behalf of workers is valued in our borough. Without the trade union movement we would not have seen furlough, workers and businesses would have been left without a safety net.

Sefton Council supports the rights of the various trade unions to organise and represent their membership in our borough. To protect them against unscrupulous employers and ensure the highest level of health and safety in workplaces across the borough of Sefton. We as a council recognise the need for workers to be able to organise and defend themselves, now more than ever with the recent behaviour of P&O ferries on our doorstep.

Sefton Council resolves to:

- Write to the Government and ask them to outlaw the so-called act of 'Fire and Rehire' and ensure when companies blatantly ignore UK employment law that the punishments are proportionate to the damage they do.
- Write to the North Wests Trade Unions thanking them for their work, especially during the pandemic in protecting our boroughs workers.

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- Ensure we continue to engage in good practice of communicating and working with our employees Trade Unions making sure we are an example of good industrial relations.
- Call on all workers in our Borough to join a Trade Union.

Following a debate on the Motion the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Motion was carried** by 45 votes to 5 and it was

RESOLVED: That

Sefton Council notes the excellent work our trade unions do to protect workers' rights in our borough. The work the trade unions do both in workplaces and lobbying on behalf of workers is valued in our borough. Without the trade union movement we would not have seen furlough, workers and businesses would have been left without a safety net.

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- Write to the North Wests Trade Unions thanking them for their work, especially during the pandemic in protecting our boroughs workers.
- Ensure we continue to engage in good practice of communicating and working with our employees Trade Unions making sure we are an example of good industrial relations.
- Call on all workers in our Borough to join a Trade Union.

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LOCAL GOVERNMENT ELECTIONS – 5 MAY 2022

SUMMARY OF ELECTION RESULTS

AINSDALE WARD

Peter Brough	Conservative Party	1387
Lesley Delves	Liberal Democrats	1273
Janet Harrison	Labour Party	1354
Laurence Rankin	The Green Party	189
	Spoilt Ballot Papers	20
	Total Votes	4223
	Electorate	10028
	% Turnout	42.11

BIRKDALE WARD

Iain Brodie-Browne	Liberal Democrat	1518
David Collins	Green Party	190
Lee Durkin	Conservative Party	697
Daniel McKee	Labour Party	1093
	Spoilt Ballot Papers	15
	Total Votes	3513
	Electorate	10086
	% Turnout	34.83

BLUNDELLSANDS WARD

Harry Bliss	Conservative Party	791
Natasha Carlin	Labour Party	2301
Brian Dunning	Liberal Democrats	394
	Spoilt Ballot Papers	23
	Total Votes	3486
	Electorate	9268
	% Turnout	37.86

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CAMBRIDGE WARD

Carla Fox	Green Party	197
Mike Morris	Conservative Party	1338
Michael Sammon	Liberal Democrats	1313
Ian Upton	Labour Party	678
	Spoilt Ballot Papers	14
	Total Votes	3540
	Electorate	9771
	% Turnout	36.23

CHURCH WARD

John Campbell	Conservative Party	155
Neil Doolin	Green Party	862
Daren Veidman	Labour Party	1850
	Spoilt Ballot Papers	21
	Total Votes	2367
	Electorate	9157
	% Turnout	31.5

DERBY WARD

John McDonald	Independent	204
Daniel Nuttall	Conservative Party	165
Brenda O'Brien	Labour Party	1757
	Spoilt Ballot Papers	14
	Total Votes	2126
	Electorate	9010
	% Turnout	23.8

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DUKES WARD

Jo Barton	Liberal Democrats	1224
Trevor Vaughan	Labour Party	824
Ron Watson	Conservative Party	1479
	Spoilt Ballot Papers	19
	Total Votes	3546
	Electorate	10471
	% Turnout	33.86

FORD WARD

Elizabeth Dowd	Labour Party	1452
Christine Doyle		534
Christopher Haws	Workers Party of Britain	84
Margaret Middleton	Conservative Party	114
	Spoilt Ballot Papers	15
	Total Votes	2184
	Electorate	9292
	% Turnout	23.7

HARINGTON WARD

Aimee Brodie	Formby Residents Action Group	329
Denise Dutton	Conservative Party	1482
Annie Gorski	Liberal Democrats	257
Carol Richards	Labour Party	1544
Michael Walsh	The Green Party	221
	Spoilt Ballot Papers	14
	Total Votes	3833
	Electorate	9766
	% Turnout	39.39

KEW WARD

Victor Foulds	Liberal Democrat	715
Laura Lunn-Bates	Labour Party	1563
Laura Nuttall	Conservative Party	842
	Spoilt Ballot Papers	24
	Total Votes	3144
	Electorate	10389
	% Turnout	30.26

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LINACRE WARD

Lynne Bold	Conservative Party	114
Lisa Ford	Independent	299
Gordon Friel	Labour Party	1320
	Spoilt Ballot Papers	8
	Total Votes	1733
	Electorate	8902
	% Turnout	19.6

LITHERLAND WARD

Molli Cooke	Independent	285
Billie Jo Gibson	Northern Independence Party – Nationalise Energy Companies	97
John Kelly	Labour Party	1703
Stephen Witham	Conservative Party	121
	Spoilt Ballot Papers	9
	Total Votes	2206
	Electorate	8929
	% Turnout	24.8

MANOR WARD

Janice Blanchard	Conservative Party	669
John Gibson	Liberal Democrats	343
Steve McGinnity	Labour Party	1818
James O'Keefe	Green Party	248
	Spoilt Ballot Papers	8
	Total Votes	3078
	Electorate	9891
	% Turnout	21.18

MEOLS WARD

Thomas De Frietas	Conservative Party	1203
Pauline Hesketh	Green Party	211
Stephen Jowett	Labour Party	839
Gareth Lloyd-Johnson	Liberal Democrat	1326
	Spoilt Ballot Papers	17
	Total Votes	3596
	Electorate	9917
	% Turnout	36.26

MOLYNEUX WARD

Marcus Bleasdale	Conservative Party	274
Danny Burns	Labour Party	1900
Tony Carr	Independent	976
	Spoilt Ballot Papers	8
	Total Votes	3150
	Electorate	10128
	% Turnout	31.19

NETHERTON AND ORRELL WARD

Andrew Joseph Burgess	Conservative Party	177
Ian Maher	Labour Party	1739
John Philip Rice	Independent	473
	Spoilt Ballot Papers	13
	Total Votes	2389
	Electorate	9678
	% Turnout	24.8

NORWOOD WARD

Mhairi Doyle	Labour Party	1734
David McIntosh	Green Party	244
Pamela Teesdale	Conservative Party	672
Stuart Williams	Liberal Democrats	452
	Spoilt Ballot Papers	21
	Total Votes	3123
	Electorate	10389
	% Turnout	30.19

PARK WARD

June Burns	Labour Party	1510
Roy Greason	Green Party	244
Kenneth Hughes		462
Daniel Sims	Conservative Party	409
Neil Spencer		723
	Spoilt Ballot Papers	10
	Total Votes	3348
	Electorate	9767
	% Turnout	34.19

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RAVENMEOLS WARD

Alison Gibbon	Green Party	294
Nina Killen	Labour Party	1766
Bob McCann	Formby Residents Action Group	644
Michael Shaw	Conservative Party	660
	Spoilt Ballot Papers	15
	Total Votes	3364
	Electorate	9586
	% Turnout	35.52

SUDELL WARD

Emily Baker	Liberal Democrats	157
Judy Hardman	Labour Party	1329
Thomas Hughes		704
Paul McCord	Workers Party of Britain	58
Yvonne Sayers	Independent	1065
Morgan Walton	Conservative Party	283
	Spoilt Ballot Papers	9
	Total Votes	3596
	Electorate	10351
	% Turnout	34.84

VICTORIA WARD

Katie Burgess	Conservative Party	264
Samantha Cook	Green Party	219
Hannah Gee	Liberal Democrats	1029
Jan Grace	Labour Party	2297
	Spoilt Ballot Papers	13
	Total Votes	3809
	Electorate	10558
	% Turnout	36.2

Dwayne Johnson
Returning Officer

ANNUAL COUNCIL – 19 MAY 2022

REPORT OF THE LEADER OF THE COUNCIL

APPOINTMENT OF THE CABINET

That:

- (1) it be noted that Councillor Fairclough was appointed as the Deputy Leader of the Council in May 2019 for a four-year term of office or until such time as his term of office expires; and
- (2) it be noted that the Cabinet comprising of the Members indicated below will hold office until the Leaders term of office expires, unless removed by the Leader or for any of the reasons set out in Paragraph 4 (a) to (c) of Chapter 5 in the Constitution:

Cabinet (10)

Portfolio	Member
Leader of the Council	Councillor Ian Maher
Cabinet Member – Adult Social Care	Councillor Cummins
Cabinet Member – Children’s Social Care	Councillor Doyle
Cabinet Member – Communities and Housing	Councillor Hardy
Cabinet Member - Education	Councillor Roscoe
Cabinet Member – Health and Wellbeing	Councillor Moncur
Cabinet Member – Locality Services Deputy Leader	Councillor Fairclough
Cabinet Member – Planning and Building Control	Councillor Veidman
Cabinet Member – Regeneration and Skills	Councillor Atkinson
Cabinet Member – Regulatory, Compliance and Corporate Services	Councillor Lappin

Councillor Ian Maher
Leader of the Council

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Agenda Item 14

Report to:	Council	Date of Meeting:	Thursday 19 May 2022
Subject:	Financial Management 2022/22 to 2025/26 and Framework for Change 2020 - Revenue and Capital Budget Update 2022/23 - Additional Capital Estimates		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	All Wards
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

This report sets out supplementary estimates for approval in the Council's Capital Programme 2022/23.

Recommendation(s):

Council is recommended to approve:

- 1) A supplementary capital estimate of £0.206m for the Southport Pier Decking Project funded from the Southport Pier Sinking Fund.
- 2) A supplementary capital estimate of £1.25m for The Enterprise Arcade project funded from the Town Deal.
- 3) A supplementary capital estimate of £2.75m for the Transformations de Southport project funded from the annual transportation capital programme (£0.25m) and the Town Deal (£2.5m).

Reasons for the Recommendation(s):

To approve updates to the 2022/23 Capital Programme so that they can be applied to the schemes in the delivery of the Council's overall financial strategy.

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

What will it cost and how will it be financed?

- (A) **Revenue Costs**
None

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(B) Capital Costs

Southport Pier Decking Project – £206,053 funded from the Southport Pier Sinking fund. A contribution is made to the sinking fund each year financed by borrowing which is repaid over a period of 10 years.

The Enterprise Arcade – £1.25m funded by Town Deal grant subject to DLUHC approval of the Business Case and meeting the requirement of the associated Grant Funding Agreement.

Transformations de Southport - £2.75m funded by £0.25m from the transportation capital programme and £2.5m from Town Deal grant. The funding for the transportation capital programme commitment will be provided through the City Region Sustainable Transport Settlement, which is administered by the Combined Authority.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There will be borrowing costs from an increase to the sinking fund, but these can be met from Council resources.

Legal Implications:

None

Equality Implications:

None

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	N

The allocations of capital funding outlined in this report may be spent on projects that will have a high climate change impact as they could relate to new build, rebuild, refurbishment, retrofit and demolition proposals. Environmental consideration will be taken into account when specific projects are designed and tendered – which will help to mitigate negative impacts.

Contribution to the Council's Core Purpose:

Effective Financial Management and the development and delivery of sustainable annual budgets support each theme of the Councils Core Purpose.

Protect the most vulnerable:

See comment above

<p>Facilitate confident and resilient communities: See comment above</p>
<p>Commission, broker and provide core services: See comment above</p>
<p>Place – leadership and influencer: See comment above</p>
<p>Drivers of change and reform: See comment above</p>
<p>Facilitate sustainable economic prosperity: See comment above</p>
<p>Greater income for social investment: See comment above</p>
<p>Cleaner Greener See comment above</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD 6783/22) and the Chief Legal and Democratic Officer (LD4983/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

N/A

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:	Graham Hussey
Telephone Number:	0151 934 4100
Email Address:	Graham.Hussey@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

Agenda Item 14

1. Southport Pier Decking Project

- 1.1. Southport Pier is a grade II listed structure, the oldest cast iron pier in England and the second longest. The asset is a critical element to Southport's visitor economy along with the wider economy of the Borough.
- 1.2. The Pier decking needs to be replaced in its entirety due to its current condition. The decking is rotting from within meaning it is only detected when a timber piece snaps. The Council employed a specialist timber expert who devised a programme of works and the specification of timber. The replacement decking will have to be done in several phases.
- 1.3. The Council sets aside an amount of funding each year towards a sinking fund that is intended for periodic repairs and replacement works such as those specified above. It will be necessary to add an additional £91,256 during 2022/23 to fund the decking project as the current balance on the fund is insufficient to cover the full cost. Future annual contributions to the sinking fund will be reduced to reflect the additional contribution in 2022/23 to ensure there is no additional cost to the Council.
- 1.4. Council is therefore recommended to approve a supplementary capital estimate of £206,053.

2. Town Deal: The Enterprise Arcade

- 2.1. Following the successful submission of Southport's Town Investment Plan, under the government's Town Deal funding programme, Southport has been allocated £37.5m for a range of projects. All project funding allocations through the Town Deal have been developed with the agreement and support of the Town Deal Board and in line with the Town Deal Programme Heads of Terms.
- 2.2. One of the projects agreed and allocated £1.5m of funding is The Enterprise Arcade. The Town Investment Plan set this out as the regeneration and transformation of Crown Buildings into Southport's first flexible office collaborative co working space; designed to act as an incubator and flexible/co-working space for start-up businesses with the purpose of nurturing the growth of the creative digital and technology led business base which already exists in the town but currently has no identifiable geographic focus.
- 2.3. Cabinet agreed the Business Case for this project in March and endorsed it to go forward as part of the Town Deal investment package. The preferred option for Enterprise Arcade is set out in the business case and in the Design Feasibility RIBA Stage 2 Report which will allow for the provision of 898 m² of improved floor space comprising of Crown Building and 3 adjacent retail units on Eastbank Street, Southport.
- 2.4. The project is profiled to deliver the capital elements in 2022/23 financial year and within the capital programme £0.25m is already approved, a further £1.25m

will be required to provide for project delivery. These costs will be fully recovered through the Town Deal Programme subject to DLUHC approval of the Business Case and meeting the requirement of the associated Grant Funding Agreement.

- 2.5. Council is therefore recommended to approve a fully funded supplementary capital estimate of £1.25m for inclusion in the Capital Programme 2022/23.

3. Town Deal: Transformations de Southport

- 3.1. As mentioned in paragraph 2.1 (above), Southport has been allocated £37.5m for a range of projects under the government's Town Deal funding programme. One of the projects included in the Town Investment Plan was Les Transformations de Southport.
- 3.2. The provision of infrastructure to underpin economic growth was one of the three themes of the Town Investment Plan for Southport and this project provides the transport and public realm infrastructure needed to support the ambition of the Town Fund and the changing patterns of travel demand and movement around the town. The overall project is expected to cost approximately £12.75m and £2.5m of funding has been allocated from the Town Deal to enable the delivery of the first phase of the project. Additional funding will be sought for the further stages of the project.
- 3.3. The proposals for committing the Town Deal funding for delivery of the first phase of the project and the business case to be submitted to Government on behalf of the Town Deal Board was agreed by Cabinet in March.
- 3.4. Council is recommended to approve a supplementary capital estimate of £2.75m for the Transformations de Southport project funded from the annual transportation capital programme (£0.25m), for the development of the scheme, and the Town Deal (£2.5m) for the delivery of the first phase of the project.

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Agenda Item 15

Report to:	Council	Date of Meeting:	19 May 2022
Subject:	Cheshire and Merseyside Joint Health Scrutiny Arrangements		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member – Health and Wellbeing		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek approval for the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee and to consider for adoption the amended “Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside”.

Recommendation(s):

That

- (1) the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved; and
- (2) the amended “Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside” be adopted.

Reasons for the Recommendation(s):

In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, actions are required to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements.

The “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside” was approved by the Council in June 2014. The amended version now requires Council approval.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

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Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months will be required. Each authority will be requested to contribute a total of £10,000 over the initial 18 months. This will be met from a Place Director budget which will be created from existing service budgetary provision.

Discretion is permitted at individual local authority level for remuneration to be paid to Joint Health Scrutiny Committee representatives.

(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): Temporary funding (£90k across all nine Local Authorities affected) to support the Joint Health Scrutiny Committee for an initial period of 18 months.	
Legal Implications: Health and Care Act 2022.	
Equality Implications: There are no equality implications identified within this report.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no sustainability or environmental implications identified within this report.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The contents and proposals within this report are in line with the Council priorities of the promotion of good health, independence, and care across our communities. The establishment of a standing Joint Health Scrutiny Committee will hold to account the Cheshire and Merseyside Integrated Care System in relation to the exercise of their responsibilities at footprint level.
Facilitate confident and resilient communities:

As above.
Commission, broker and provide core services: As above.
Place – leadership and influencer: As above.
Drivers of change and reform: As above.
Facilitate sustainable economic prosperity: As above.
Greater income for social investment: As above.
Cleaner Greener: There are no sustainability or environmental implications associated with this report.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6784/22) and the Chief Legal and Democratic Officer (LD.4984/22) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

A Joint Health Scrutiny Working Group comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee.

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:	Debbie Campbell
Telephone Number:	Tel: 0151 934 2254
Email Address:	debbie.campbell@sefton.gov.uk

Appendices:

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Appendix A Draft Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document

Appendix B Draft Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside (updated March 2022)

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. Establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee

1.1 In response to the proposed establishment of Integrated Care Systems in England under the Health and Care Act 2022, the Chief Executives of the nine Merseyside and Cheshire local authorities agreed a number of actions to ensure that joint health scrutiny arrangements in Cheshire and Merseyside are fit to meet the challenge of the new statutory Integrated Care System (ICS) arrangements. It has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level.

1.2 Originally, it was anticipated that actions would need to be taken prior to April 2022 to meet the government's anticipated timescale for transition to Integrated Care Systems. However, it has been confirmed that the transition to ICS arrangements will now take place on 1 July 2022.

1.3 A Joint Health Scrutiny Working Group, comprised of Health Scrutiny Officers was established in January 2022 and has met on a fortnightly basis to agree the arrangements for the establishment of the Joint Health Scrutiny Committee. The Working Group has drafted a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee – Joint Committee Arrangements Document (attached as **Appendix A**) to outline how the standing joint committee will operate. The main features of the document are as follows:

- Funding – consensus was that a flat rate of £10,000 should be paid by each authority for an initial period of 18 months.
- Membership – each authority should nominate 2 representatives to serve on Committee.
- Political balance – recognition of the need to ensure that membership had to reflect the aggregate political balance across the nine authorities. This would be

subject to annual calculation and would require compromise between the authorities to secure balance on each occasion.

- Joint Committee remit – this would cover the ICS responsibilities exercised at Cheshire and Merseyside level, plus any proposals for changes in health services that not only impact all nine local authority areas but was also considered to be a substantial change by each of the nine.

2. Legal Implications

- 2.1 The functions of the Joint Committee, to be known as the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee” are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its responsibilities within Cheshire and Merseyside. The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate, to make reports or recommendations to the ICS.
- 2.2 Post-July 2022 and the establishment of the ICS, local authorities will still have a statutory obligation to undertake health scrutiny at a “place” level. Individual local authority Health Scrutiny Committees will need to continue to meet to consider matters directly relating to their areas and also to consider any potential substantial variations in health service provision that only impact on their respective local authority area. Each local authority will be responsible for determining these work plans and managing their relationships with NHS colleagues to ensure Health Scrutiny at this level (i.e. place) meets its obligations and provides the necessary political oversight, transparency and challenge.

3. “Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside”.

- 3.1 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a “Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside”. Substantively, the existing protocol provides a framework for the mandatory establishment of ad-hoc joint committees where two or more of the authorities deem a service change proposal to be a substantial variation in those services. The protocol was approved by full Council in June 2014 (Minute No. 20 refers).
- 3.2 In summary, the statutory framework set out in legislation authorises local authorities to review and scrutinise any matter relating to the planning, provision and operation of the health service; and consider consultations by a relevant NHS body or provider of NHS-funded services on any proposal for a Substantial Development or Variation (SDV) to the health service in the local authority’s area.
- 3.3 Where such proposals impact on more than one local authority area, each authority’s health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is an SDV to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. The existing protocol deals with the operation of such

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arrangements for the local authorities of Cheshire and Merseyside. The criteria set out within the protocol assists in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not.

- 3.4 Given the incoming changes and the establishment of Integrated Care Systems in England under the Health and Care Act 2022, the opportunity has been taken to review and update the existing Joint Health Scrutiny Protocol (agreed in 2014) to ensure that the framework for the operation of joint health scrutiny committees regarding substantial developments and variations of the health service across Cheshire and Merseyside was consistent with the arrangements for the new standing committee. The proposed revisions relate to quorum and political balance and is attached at **Appendix B**.

4. Approval Route

- 4.1 In order to confirm the arrangements for the new Joint Health Scrutiny Committee and allow for the nomination of Members, it has been proposed that each Local Authority considers the draft Joint Health Scrutiny Committee Arrangements document and the updated overarching protocol at their respective Annual Meetings in May 2022.
- 4.2 The health scrutiny officer working group is confident that the arrangements outlined in the documents are not only in line with legislative requirements but will also provide a strong foundation for effective joint health scrutiny within the new arrangements.
- 4.3 The health scrutiny officer working group will continue to meet over the coming weeks to progress other work in preparation for the Joint Health Scrutiny Committee.

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CHESHIRE AND MERSEYSIDE INTEGRATED CARE SYSTEM JOINT HEALTH SCRUTINY COMMITTEE

JOINT COMMITTEE ARRANGEMENTS DOCUMENT

Interpretation

In this document the following expressions shall have the following meanings:

- the following local authorities are referred to singularly as ‘Authority’ and together as ‘the Authorities’
 - a) Cheshire East Council;
 - b) Cheshire West and Chester Council
 - c) Halton Borough Council
 - d) Knowsley Borough Council;
 - e) Liverpool City Council;
 - f) St. Helens Borough Council;
 - g) Sefton Borough Council;
 - h) Warrington Borough Council;
 - i) Wirral Borough Council;
- the “Cheshire and Merseyside (ICS) Joint Health Scrutiny Committee” means the Joint Health Scrutiny Committee established by the Authorities to hold to account and scrutinise the work of the Integrated Care System at Cheshire and Merseyside level;
- the “Secretariat” means the financial, administrative, scrutiny and other officer support to the Joint Committee;
- the “Host Authority” means the council which hosts the Secretariat at the relevant time;
- the “Joint Committee Arrangements Document” means this document, as amended from time-to-time;
- the “Rules of Procedure” means the rules of procedure as agreed by the Joint Committee from time to time;
- “the Act” means the National Health Service Act 2006
- the “2013 Regulations” means the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The conduct of the Joint Committee and the content of this document shall be subject to the relevant legislative provisions, in particular Sections 244 and 245 of the Act (as amended) as well as the 2013 regulations, and in the event of any

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conflict between the relevant legislative provisions/ regulations and this Joint Committee Arrangements Document, the requirements of the legislation/ regulations will prevail.

1. Background

1.1 The Health and Care Act 2022 confirms new structural arrangements for health governance through the formal establishment of Integrated Care Systems (ICSs) for specific geographical areas. ICSs will comprise:

1.1.1 an Integrated Care Board (ICB) in which will be vested statutory responsibilities and duties related to arranging for the provision of relevant hospital and health services for its area; and

1.1.2 an Integrated Care Partnership (ICP) which is a joint committee established by the ICB and the Authorities within the ICS area. The ICP is primarily charged with setting the strategic framework (an Integrated Care Strategy) for its area within which the ICB, NHS England and the Authorities, will be expected to exercise their respective functions to meet the area's assessed needs.

1.2 In Cheshire and Merseyside:

1.2.1 The ICS is known collectively as NHS Cheshire and Merseyside ICS.

1.2.2 The ICB is known as NHS Cheshire and Merseyside ICB

1.2.3 The ICP is known as the Cheshire and Merseyside Health and Care Partnership.

1.3 Under Section 245 of the Act and Regulation 30 of the 2013 Regulations, two or more Authorities may form a joint health scrutiny committee and arrange for relevant health scrutiny functions to be exercised by that joint committee.

1.4 In 2014, all nine Cheshire and Merseyside Authorities gave their approval to a "Protocol for Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside". This protocol was developed in accordance with the Act and the 2013 Regulations. Substantively it provides a framework for the mandatory establishment of ad hoc joint committees where 2 or more of the authorities deem a service change proposal to be a substantial variation in those services. Nevertheless, the protocol, in accordance with legislation, provides for the establishment of discretionary joint health scrutiny arrangements, where deemed appropriate, with the scope to review and scrutinise any matter relating to the planning, provision and operation of the health service.

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- 1.5 In the context of the establishment of the statutory ICS arrangements for Cheshire and Merseyside, it has been deemed appropriate to establish a standing joint health scrutiny committee which will have the opportunity to take on the Authorities' collective statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside Level:
- 1.6 The Authorities by being parties to this Joint Committee Arrangements Document signify their agreement to its terms. Each Authority and each Member of the Joint Committee established under the terms of this document must therefore comply with its provisions.
- 1.7 The Joint Committee must have regard to the relevant legislation, including the Local Government Act 1972, regulations related to health scrutiny and to any statutory guidance issued in this respect.

2. **Functions of the Joint Committee**

- 2.1 The functions of the Joint Committee — to be known as the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee”— are to be exercised with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the ICS fulfils its responsibilities within Cheshire and Merseyside.
- 2.2 The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate to make reports or recommendations to the ICS.
- 2.3 In specific terms the Joint Committee's role will include the duties/ functions set out below:
 - To be consulted and provide feedback on the development of an integrated care strategy for Cheshire and Merseyside;
 - To review and scrutinise any matter relating to the planning, provision and operation of the health service at Cheshire and Merseyside level only;
 - To be consulted by a relevant NHS body (e.g. NHS Cheshire and Merseyside Integrated Care Board) on any service change proposals that has previously been deemed by all nine authorities to constitute a substantial variation in services.
 - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities and to exercise the collective statutory responsibilities of the authorities in relation to responding to such consultation by the proposer.

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3. Operating Arrangements

- 3.1 Knowsley Borough Council shall act as the Host Authority and arrange for the necessary officer support in doing so. In this respect Knowsley Borough Council will be provide the Secretariat.
- 3.2 The Joint Committee initially shall be made up of 18 elected members in accordance with the provisions of the current Joint Health Scrutiny Protocol.

4. Council Membership

- 4.1 All elected members in the authorities will be entitled to serve on the joint committee other than executive members and those elected members appointed to serve on ICS bodies (e.g. on the Cheshire and Merseyside Health and Care Partnership)
- 4.2 Each of the authorities nominating representatives to serve on the Joint Committee will be expected to do so in accordance with the political balance that applies in their respective authorities, adjusted to take account of the overall political balance across the nine authorities.
- 4.3 The allocation of seats by both area and party for 2022/ 2023 based on two members per authority is therefore as follows in order to secure overall political balance within Cheshire and Merseyside:

Authority	Labour	Liberal Democrat	Conservative	Green	Ind	Total
Cheshire East						2
Cheshire West and Chester						2
Halton						2
Knowsley						2
Liverpool						2
St. Helens						2
Sefton						2
Warrington						2
Wirral						2
Total						18

Allocation of seats to be confirmed following further consultation between the 9 authorities.

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- 4.4 The allocation of elected member places on the Joint Committee will be reviewed on an annual basis, ordinarily in the period following the date of the municipal elections. In years where municipal elections do not take place, the review will need to have taken place by 15 May in that year.
- 4.5 Taking into account the outcome of such a review, Elected Members will be appointed by their respective Authorities in accordance with the constitutional procedures applicable in those Authorities. In any event, each Authority will ordinarily be expected to appoint their representatives no later than 31 May in each year.
- 4.6 The term of office of each Authority representative appointed shall be a period of 1 year or until 31 May of the following year, whichever is the earlier. This term of office is however subject to the appointed Member remaining as an Elected Member during the term of office. In the event of a Joint Committee Member ceasing to be an elected member during the course of their term of office as a Joint Committee Member, their entitlement to serve on the Joint Committee will also cease at that point.
- 4.7 Each appointment may be renewable on an annual basis, subject to the decision of the respective Authority and the continuing entitlement of the appointee to serve on the Joint Committee.

5. Elected Members – Resignation or Removal from the Joint Committee

- 5.1 An Authority may decide, in accordance with its procedures, to remove one of its Members from the Joint Committee at any time prior to conclusion of that Member's term of office, and upon doing so shall give written notice to the Secretariat of the change in its Member.
- 5.2 An Elected Member representative may resign from the Joint Committee at any time by giving notice to his or her appointing council who will inform the Secretariat.
- 5.3 In the event that any Elected Member resigns from the Joint Committee, or is removed from the Joint Committee by his or her Authority, the Authority shall immediately take the appropriate constitutional steps to nominate and appoint an alternative Member to the Joint Committee, in accordance with the agreed Joint Committee arrangements.
- 5.4 Where an Elected Member fails to attend meetings of the Joint Committee over a six-month period or for 3 consecutive meetings then the Secretariat shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Joint Committee and the appointment of a replacement member from that Authority.

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5.5 Where it becomes clear that an Elected Member has ceased to represent the political group for which they were nominated by their respective Authority, either through withdrawal of the whip, suspension, or expulsion from the relevant group, that Member shall be immediately removed from the Joint Committee's Membership. In these circumstances, the relevant Nominating Authority will be obliged to take the appropriate steps, including liaison with the relevant political group, to nominate, at the earliest opportunity an alternative Member to the Joint Committee, in accordance with the allocation of seats at paragraph 4.3 above, so as to ensure the Joint Committee appropriate political balance is maintained.

6. Financial Arrangements

6.1 The funding provided by the authorities collectively to support the work of the Joint Committee will be received by the Host Authority.

6.2 Each Authority will pay directly any expenses claimed by its own nominated representatives in the course of their duties on the Joint Committee.

6.3 The Host Authority will establish an independent remuneration panel to consider whether a Special Responsibility Allowance (SRA) should be paid to the Chairperson of the Joint Committee or any other Joint Committee Member, and if so, what the level of that SRA should be. If the Authorities subsequently decide, based on the recommendations of the independent remuneration panel that an SRA will be paid, the Authorities will be required to reach agreement on how the costs of the SRA will be apportioned between them.

6.4 The financial arrangements for the Joint Committee will be reviewed each year by the Authorities. If in subsequent years, the Joint Committee considers that the funding available to support its activities is insufficient to support it in carrying out its functions, it may make a request to the Authorities to approve additional funding. If additional funding is approved, the Authorities will decide how, the additional costs will be apportioned between them.

7. Promotion and Support of the Joint Committee

7.1 The Joint Committee shall be promoted and supported by the Host Authority and the Secretariat through:

- (a) The inclusion of dedicated webpages on the work of the Joint Committee, with the publication of meeting agendas; minutes; and papers where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972. All reports and recommendations made, with responses from the ICS

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will be published. Information on member attendance and other publications will be included, as required on the webpages;

- (b) Other relevant administrative, financial, legal, communications and scrutiny officer support as appropriate.
- 7.2 The costs of any additional promotion work identified above will be identified as part of financial arrangements to be agreed by the Authorities as set out in section 6 above.
- 7.3 The Joint Committee shall be promoted and supported by each Authority including:
- (a) Ensuring that briefings take place on the work of the Joint Committee for members and officers at Authority level to ensure they are fully informed about relevant matters.
 - (b) Information on each respective website about the work of the Joint Committee and links to the main webpages.
 - (c) Sharing of information on the work of their respective designated statutory Health Scrutiny Committee in order to ensure that the work programme of the Joint Committee complements local scrutiny work and vice-versa.
 - (d) Co-operating to ensure that the Joint Committee, where appropriate, is provided with additional officer support for research, training and development or other areas of expertise.
- 7.4 The elected members on the Joint Committee will provide a communication channel between the Joint Committee and their respective appointing Authorities. They will report back to their Authority on the work of the Joint Committee as appropriate and provide support and guidance to their member colleagues and officers of their Authority.

8. Validity of Proceedings

- 8.1 The validity of the proceedings of the Joint Committee shall not be affected by a vacancy in the membership of the Joint Committee or a defect in appointment.
- 8.2 All Joint Committee members (including co-opted members) must observe their own authority's Members Code of Conduct and any related Protocols as agreed by the Joint Committee.

9. Review and Amendment of Joint Committee Arrangements

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- 9.1 This Joint Committee Arrangements Document will normally be reviewed on an annual basis by all Authorities jointly.
- 9.2 Proposed changes to the Joint Committee Arrangements Document can only be made with the collective approval of all the Authorities in the ICS area.
- 9.3 The Joint Committee may propose amendments to the Joint Committee Arrangements document and any such proposals will be referred to the Authorities and will only be implemented if they are approved by all the Authorities.

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PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS IN CHESHIRE AND MERSEYSIDE

1. INTRODUCTION

1.1 This protocol has been developed as a framework for the operation of joint health scrutiny arrangements across the local authorities of Cheshire and Merseyside. It allows for:

- scrutiny of substantial developments and variations of the health service; and,
- discretionary scrutiny of local health services.

1.2 The protocol provides a framework for health scrutiny arrangements which operate on a joint basis only. Each constituent local authority should have its own local arrangements in place for carrying out health scrutiny activity individually.

2. BACKGROUND

2.1 The relevant legislation regarding health scrutiny is:

- Health and Social Care Act 2012,
- The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013; and
- *The Health and Care Act 2022 (subject to parliamentary approval)*

2.2 In summary, the statutory framework authorises local authorities to:

- review and scrutinise any matter relating to the planning, provision and operation of the health service; and,
- consider consultations by a relevant NHS commissioning body or provider of NHS-funded services on any proposal for a substantial development or variation to the health service in the local authority's area.

2.3 Ultimately the regulations place a requirement on relevant scrutiny arrangements to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area, or instead, that the proposal should be referred to the Secretary of State for Health and Social Care. In instances where a proposal impacts on the residents of one local authority area exclusively, this responsibility lays with that authority's health scrutiny arrangements alone.

2.4 Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not.

The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. This protocol deals with the proposed operation of such arrangements for the local authorities of Cheshire and Merseyside.

3. PURPOSE OF THE PROTOCOL

3.1 This protocol sets out the framework for the operation of joint scrutiny arrangements where:

- a) an NHS commissioning body or health service provider consults with more than one local authority on any proposal it has under consideration, for a substantial development/variation of the health service;
- b) joint scrutiny activity is being carried out on a discretionary basis into the planning, provision and operation of the health service.

3.2 The protocol covers the local authorities of Cheshire and Merseyside including:

- Cheshire East Council
- Cheshire West and Chester Council
- Halton Borough Council
- Knowsley Council
- Liverpool City Council
- St. Helens Metropolitan Borough Council
- Sefton Council
- Warrington Borough Council
- Wirral Borough Council

3.3 Whilst this protocol deals with arrangements within the boundaries of Cheshire and Merseyside, it is recognised that there may be occasions when consultations/discretionary activity may affect adjoining regions/ areas. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

4. PRINCIPLES FOR JOINT HEALTH SCRUTINY

4.1 The fundamental principle underpinning joint health scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the health of local people and to tackle health inequalities;

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- To represent the views of local people and ensure that these views are identified and integrated into local health service plans, services and commissioning;
- To scrutinise whether all parts of the community are able to access health services and whether the outcomes of health services are equally good for all sections of the community; and,
- To work with NHS bodies and local health providers to ensure that their health services are planned and provided in the best interests of the communities they serve, taking into account any potential impact on health service staff.

5. SUBSTANTIAL DEVELOPMENT/VARIATION TO SERVICES

5.1 Requirements to consult

- 5.1.1 All relevant NHS bodies and providers of NHS-funded services¹ are required to consult local authorities when they have a proposal for a substantial development or substantial variation to the health service.
- 5.1.2 A substantial development or variation is not defined in legislation. Guidance has suggested that the key feature is that it should involve a major impact on the services experienced by patients and/or future patients.
- 5.1.3 Where a substantial development or variation impacts on the residents within one local authority area boundary, only the relevant local authority health scrutiny function shall be consulted on the proposal.
- 5.1.4 Where a proposal impacts on residents across more than one local authority boundary, the NHS body/health service provider is obliged to consult all those authorities whose residents are affected by the proposals in order to determine whether the proposal represents a substantial development or variation.
- 5.1.5 Those authorities that agree that any such proposal does constitute a substantial development or variation are obliged to form a joint health overview and scrutiny committee for the purpose of formal consultation by the proposer of the development or variation.
- 5.1.6 Whilst each local authority must decide individually whether a proposal represents a substantial development/variation, it is only the statutory joint health scrutiny committee which can formally comment on the

¹ This includes NHS E&I and any body commissioning services to the residents of Cheshire and Merseyside, plus providers such as NHS Trusts, NHS Foundation Trust and any other relevant provider of NHS funded services which provides health services to those residents, including public health.

proposals if more than one authority agrees that the proposed change is “substantial”.

- 5.1.7 Determining that a proposal is not a substantial development/variation removes the ability of an individual local authority to comment formally on the proposal and exercise other powers, such as the power to refer to the Secretary of State. Once such decisions are made, the ongoing obligation on the proposer to consult formally on a proposal relates only to those authorities that have deemed the proposed change to be “substantial” and this must be done through the vehicle of the joint committee. Furthermore the proposer will not be obliged to provide updates or report back on proposals to individual authorities that have not deemed them to be “substantial”.
- 5.1.8 For the avoidance of doubt, if only one authority amongst a number being consulted on a proposal deem it to be a substantial change, the ongoing process of consultation on the proposal between the proposer and the remaining authority falls outside the provisions of this protocol.

5.2 Process for considering proposals for a substantial development/variation

- 5.2.1 In consulting with the local authority in the first instance to determine whether the change is considered substantial, the relevant NHS commissioning body / provider of NHS-funded services is required to:
- Provide the proposed date by which it requires comments on the proposals
 - Provide the proposed date by which it intends to make a final decision as to whether to implement the proposal
 - Publish the dates specified above
 - Inform the local authority if the dates change²
- 5.2.2 NHS commissioning bodies and local health service providers are not required to consult with local authorities where certain ‘emergency’ decisions have been taken. All exemptions to consult are set out within regulations.³
- 5.2.3 In considering whether a proposal is substantial, all local authorities are encouraged to consider the following criteria:
- *Changes in accessibility of services:* any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.

² Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

³ Section 24 *ibid*

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- *Impact on the wider community and other services:* This could include economic impact, transport, regeneration issues.
- *Patients affected:* changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
- *Methods of service delivery:* altering the way a service is delivered may be a substantial change, for example moving a particular service into community settings rather than being entirely hospital based.
- *Potential level of public interest:* proposals that are likely to generate a significant level of public interest in view of their likely impact.

5.2.4 These criteria will assist in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not. In making the decision, each authority will focus on how the proposals impacts on its own area/residents.

6. OPERATION OF A STATUTORY JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

6.1 General

6.1.1 A joint health overview and scrutiny committee will be made up of each of the constituent local authorities that deem a proposal to be a substantial development or variation. This joint committee will be formally consulted on the proposal and have the opportunity to comment. It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service.

6.1.2 A decision as to whether the proposal is deemed substantial shall be taken within a reasonable timeframe and in accordance with any deadline set by the lead local authority (see section 6.6), following consultation with the other participating authorities.

6.2 Powers

6.2.1 In dealing with substantial development/variations, any statutory joint health overview and scrutiny committee that is established can:

- require relevant NHS bodies and health service providers to provide information to and attend before meetings of the committee to answer questions

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- make comments on the subject proposal by a date provided by the NHS body/local health service provider
- make reports and recommendations to relevant NHS bodies/local health providers
- require relevant NHS bodies/local health service providers to respond within a fixed timescale to reports or recommendations
- carry out further negotiations with the relevant NHS body where it is proposing not to agree to a substantial variation proposal; and
- where agreement cannot be reached, to notify the NHS body of the date by which it intends to make the formal referral to the Secretary of State.

6.2.2 A joint health overview and scrutiny committee has the power to refer a proposal to the Secretary of State if:

- the committee is not satisfied that consultation with the relevant health scrutiny arrangements on any proposal has been adequate
- it is not satisfied that reasons for an 'emergency' decision that removes the need for formal consultation with health scrutiny are adequate
- it does not consider that the proposal would be in the interests of the health service in its area.

6.2.3 Where a committee has made a recommendation to a NHS commissioning body/local health service provider regarding a proposal and the NHS body/provider disagrees with the recommendation, the local health service provider/NHS body is required to inform the joint committee and attempt to enter into negotiation to try and reach an agreement. In this circumstance, a joint committee has the power to report to the Secretary of State if:

- relevant steps have been taken to try to reach agreement in relation to the subject of the recommendation, but agreement has not been reached within a reasonable period of time; or,
- there has been no attempt to reach agreement within a reasonable timeframe.

6.2.4 Where a committee disagrees with a substantial variation and has either made comments (without recommendations) or chosen not to provide any comments, it can report to the Secretary of State only if it has:

- Informed the NHS commissioning body/local health service provider of its decision to disagree with the substantial variation and report to the Secretary of State; or,

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- Provided indication to the NHS commissioning body/local health service provider of the date by which it intends to make a referral.

6.2.5 In any circumstance where a committee disagrees with a proposal for a substantial variation, there will be an expectation that negotiations will be entered into with the NHS commissioning body/local health service provider in order to attempt to reach agreement.

6.2.6 Where local authorities have agreed that the proposals represent substantial developments or variations to services and agreed to enter into joint arrangements, it is only the joint health overview and scrutiny committee which may exercise these powers.

6.2.7 A statutory joint health overview and scrutiny committee established under the terms of this protocol may only exercise the powers set out in 6.2.1 to 6.2.4 above in relation to the statutory consultation for which it was originally established. Its existence is time-limited to the course of the specified consultation and it may not otherwise carry out any other activity.

6.3 Membership

6.3.1 The participating local authorities must ensure that those Councillors nominated to a joint health overview and scrutiny committee produce a membership that reflects the overall political balance across the participating local authorities. However, political balance requirements for each joint committee established may be waived with the agreement of all participating local authorities, should time and respective approval processes permit.

6.3.2 A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:

- where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members
- where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.

(Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)

Local authorities who consider change to be	No' of elected members to be nominated from each
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'substantial'	authority
4 or more	2 members
3 or less	3 members

6.3.3 Each local authority will be obliged to nominate elected members through their own relevant internal processes and provide notification of those members to the lead local administrative authority at the earliest opportunity.

6.3.4 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested that constituent authorities either arrange for delegated decision-making arrangements to be put in place to deal with such nominations at the earliest opportunity, or to nominate potential representatives annually as part of annual meeting processes to cover all potential seat allocations.

6.5 Quorum

6.5.1 The quorum of the meetings of a joint committee shall be one third of the full membership of any Joint Committee, subject to the quorum being, in each instance, no less than 3.

6.5.2 There will be an expectation for there to be representation from each authority at a meeting of any joint committee established. The lead local authority will attempt to ensure that this representation is achieved.

6.6 Identifying a lead local authority

6.6.1 A lead local authority should be identified from one of the participating authorities to take the lead in terms of administering and organising a joint committee in relation to a specific proposal.

6.6.2 Selection of a lead authority should, where possible, be chosen by mutual agreement by the participating authorities and take into account both capacity to service a joint health scrutiny committee and available resources. The application of the following criteria should also guide determination of the lead authority:

- The local authority within whose area the service being changed is based; or
- The local authority within whose area the lead commissioner or provider leading the consultation is based.

6.6.3 Lead local authority support should include a specific contact point for communication regarding the administration of the joint committee. There will be an obligation on the key lead authority officer to liaise appropriately with officers from each participating authority to ensure the smooth running of the joint committee.

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6.6.4 Each participating local authority will have the discretion to provide whatever support it may deem appropriate to their own representative(s) to allow them to make a full contribution to the work of a joint committee.

6.7 Nomination of Chair/ Vice-Chair

The chair/ vice-chair of the joint health overview and scrutiny committee will be nominated and agreed at the committee's first meeting.

6.8 Meetings of a Joint Committee

6.8.1 At the first meeting of any joint committee established to consider a proposal for a substantial development or variation, the committee will also consider and agree:

- The joint committee's terms of reference;
- The procedural rules for the operation of the joint committee;
- The process/ timeline for dealing formally with the consultation, including:
 - the number of sessions required to consider the proposal; and,
 - the date by which the joint committee will make a decision as to whether to refer the proposal to the Secretary of State for Health and Social Care – which should be in advance of the proposed date by which the NHS commissioning body/service provider intends to make the decision.

6.8.2 All other meetings of the joint committee will be determined in line with the proposed approach for dealing with the consultation. Different approaches may be taken for each consultation and could include gathering evidence from:

- NHS commissioning bodies and local service providers;
- patients and the public;
- voluntary sector and community organisations; and
- NHS regulatory bodies.

6.9 Reports of a Joint Committee

6.9.1 A joint committee is entitled to produce a written report which may include recommendations. As a minimum, the report will include:

- An explanation of why the matter was reviewed or scrutinised.
- A summary of the evidence considered.

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- A list of the participants involved in the review.
- An explanation of any recommendations on the matter reviewed or scrutinised.

The lead authority will be responsible for the drafting of a report for consideration by the joint committee.

6.9.2 Reports shall be agreed by the majority of members of a joint committee and submitted to the relevant NHS commissioning body/health service provider or the Secretary of State as applicable.

6.9.3 Where a member of a joint health scrutiny committee does not agree with the content of the committee's report, they may produce a report setting out their findings and recommendations which will be attached as an appendix to the joint health scrutiny committee's main report.

7. DISCRETIONARY HEALTH SCRUTINY

7.1 More generally, the Health and Social Care Act 2012 and the 2013 Health Scrutiny Regulations provide for local authority health scrutiny arrangements to scrutinise the planning, provision and operation of health services.

7.2 In this respect, two or more local authorities may appoint a joint committee for the purposes of scrutinising the planning, provision and operation of health services which impact on a wider footprint than that of an individual authority's area.

7.3 Any such committee will have the power to:

- require relevant NHS commissioning bodies and health service providers to provide information to and attend before meetings of the committee to answer questions.
- make reports and recommendations to relevant NHS commissioning bodies/local health providers.
- require relevant NHS commissioning bodies/local health service providers to respond within a fixed timescale to reports or recommendations.

7.4 Ordinarily, a discretionary joint committee will not have the power to refer an issue to the Secretary of State for Health and Social Care. However, please note section 8.3 below.

7.5 In establishing a joint committee for the purposes of discretionary joint scrutiny activity, the constituent local authorities should determine the committee's role and remit. This should include consideration as to whether the committee operates as a standing arrangement for the purposes of considering all of the planning, provision and operation of health services within a particular area or whether it is being

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established for the purposes of considering the operation of one particular health service with a view to making recommendations for its improvement. In the case of the latter, the committee must disband once its specific scrutiny activity is complete.

- 7.6 In administering any such committee, the proposed approach identified in sections 6.3 – 6.9 (disregarding any power to refer to the Secretary of State) of this protocol should be followed, as appropriate.

8. SCRUTINY OF CHESHIRE AND MERSEYSIDE INTERGRATED CARE SYSTEM

- 8.1 Further to this protocol and in particular section 7 above, the nine local authorities have agreed to establish a discretionary standing joint health scrutiny committee in response to the establishment of the Cheshire and Merseyside Integrated Care System.
- 8.2 A separate Joint Scrutiny Committee Arrangements document has been produced in line with the provisions of this protocol to outline how the standing joint committee will operate.
- 8.3 In summary, the “Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee” has the following responsibilities:
- To scrutinise the work of the Integrated Care System in relation to any matter regarding the planning, provision and operation of the health service at footprint level only; and
 - To consider the merits of any service change proposals that have been deemed to be a substantial variation in services by all nine authorities.

9. CONCLUSION

- 9.1 The local authorities of Cheshire and Merseyside have adopted this protocol as a means of governing the operation of joint health scrutiny arrangements both mandatory and discretionary. The protocol is intended to support effective consultation with NHS commissioning bodies or local health service providers on any proposal for a substantial development of or variation in health services. The protocol also supports the establishment of a joint health overview and scrutiny committee where discretionary health scrutiny activity is deemed appropriate.
- 9.2 The protocol will be reviewed regularly, and at least on an annual basis to ensure that it complies with all current legislation and any guidance published by the Department of Health and Social Care.

SEFTON LABOUR GROUP

NOTICE OF MOTION

TO BE PUT TO THE COUNCIL MEETING ON 19 MAY 2022

Moved by: Councillor Jennifer Corcoran

Seconded by: Councillor

Tackling Transphobia

This Council notes:

- There are many discussions in the media about trans rights – most recently this includes a question about the Cass Review (an Independent Review of Gender Identity Services for Children and Young People) in PMQs, discussions about safe spaces and sport suitability and an MP announcing a diagnosis of gender dysphoria.
- The UK Prime Minister openly supported the LGB Alliance
- Media reports inciting moral panic have been proven to be disproportionate on multiple occasions. (Adele @ the Brits, Swimmer at Uni of Penn et al)
- The UK government announced a review of the Gender Recognition Act in 2017 but has failed to prioritise and deliver this despite calls from the community and successful reform in other countries.
- Hate crimes against the LGBT community are ever increasing, including those committed against trans people (and those perceived to be trans) - research in 2020 from Galop found four out of five respondents had experienced this.
- Trans people face physical and mental health inequalities - two in five young people who identify as trans have attempted suicide.

This Council celebrates:

- Chesterfield High School is a Stonewall Champion School.
- Sefton Council is a borough for everyone and regularly recognises significant days such as IDAHOBIT.
- Trans Health Sefton was launched in November 2017 and developed into Cheshire and Merseyside Area Gender Identity Collaborative (CMAGIC) covering the Liverpool City Region.
- Sefton collaborating with Merseyside Police for Hate Crime Awareness Week.
- In May 2022 there will be a celebration of the LGBT community in Merseyside.

This Council believes:

- Trans men are men, trans women are women and non-binary genders are valid.
- Trans people deserve respect and autonomy.

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- Transphobia is not only a violation of law but has a detrimental impact on the wellbeing of individuals.
- Trans rights and gender-based rights can co-exist.
- In the dignity of all people and their right to respect and equality of opportunity.
-

This Council resolves to:

- To state publicly that trans rights are human rights.
- To continue to tackle prejudice, recognise and celebrate awareness days and share resources.
- To encourage Councillors to attend relevant training, particularly around terminology and respect and challenging transphobia.
- To commit to continuing to be welcoming, inclusive and respectful and ensure the Trans community have a voice so all needs are met, with a view to redressing inequalities faced as well as acknowledging the role of intersectionality.
- To support more schools to become Stonewall Champion Schools
- To echo celebration events throughout Sefton.

NOTES

The dictionary definition of transgender is ‘denoting or relating to a person whose sense of personal identity and gender does not correspond with their birth sex.’ Gender is a term used for social constructs such as norms, roles and relationships whereas sex refers to biological and physiological characteristics. The preferred umbrella term is trans.

Transphobia is defined as ‘dislike of or prejudice against transsexual or transgender people.’ There is legal protection against such discrimination and a trans person does not need to have undergone any specific treatment or surgery to be protected. This can also extend to presumption of being trans.

Safer Sefton Together (prev Sefton Safer Communities Partnership) references in March 2021 meeting to CCG PEFF developing Transgender best practice guide. Merseyside police community action group to refer to transgender advisory group. SWACA also advised they would focus on best practice with the Trans community. Chesterfield High are a Stonewall Champion School.

Some links

<https://www.stonewall.org.uk/stonewall-school-college-champion-membership>

<https://www.chesterfieldhigh.org.uk/Wellbeing/Tackling-Hate-Crime-and-Discrimination/>

<https://www.merseyscare.nhs.uk/our-services/liverpool/sexual-health/cmagic-cheshire-and-merseyside-adult-gender-identity-collaborative>

<https://www.stonewall.org.uk/truth-about-trans>