



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 16th May, 2024 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 black ink, appearing to be "D. Campbell", written over a light grey dotted rectangular background.

Chief Executive

Town Hall,
Southport

Wednesday 8 May 2024

Please contact Debbie Campbell, Democratic Services Manager
on 0151 934 2254 or e-mail debbie.campbell@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 2024/25

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 2024/25

5. Minutes of Previous Meeting

(Pages 5 - 34)

Minutes of the meeting held on 18 April 2024

6. Mayor's Communications

7. Election Results - 2 May 2024

(Pages 35 - 42)

To receive and note the report of the Chief Executive and Returning Officer on the results of the Council Elections held on 2 May 2024

8. 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 18 January 2024 appointed Councillor Atkinson as Leader of the Council for the remainder of a period of four years until the Adjourned Annual Council Meeting in May 2027, or until such time as her term of office

expires.

- 9. Cabinet and Deputy Leader of the Council** (To Follow)
Report of the Leader of the Council to be published prior to the meeting
- 10. Appointment of Committees and Sub-Committee 2024/25** (To Follow)
Report of the Chief Legal and Democratic Officer to be published prior to the meeting
- 11. Appointment of Representatives on the Merseyside Joint Authority Bodies 2024/25** (To Follow)
Details of the proposed representation on the Merseyside Joint Authority bodies for 2024/25 to be published prior to the meeting.
- 12. Review of the Operation and Terms of Reference of the Overview and Scrutiny Committee (Children’s Services and Safeguarding)** (Pages 43 - 58)
Report of the Executive Director of Corporate Resources and Customer Services
- 13. Protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside** (Pages 59 - 76)
Report of the Chief Legal and Democratic Officer
- 14. Dates of Council Meetings 2024/25**
To note that the Council meetings scheduled to be held during the Municipal Year 2024/25 are as follows:

 - 11 July 2024
 - 12 September 2024
 - 14 November 2024
 - 16 January 2025
 - 27 February 2025 (Budget Meeting)
 - 24 April 2025

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COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 18 APRIL 2024

PRESENT: The Mayor (Councillor June Burns) in the Chair

Councillors Atkinson, Bradshaw, Brodie - Browne, Brough, Danny Burns, Byrom, Carlin, Cluskey, Corcoran, D'Albuquerque, Desmond, Dodd, Dowd, Doyle, Evans, Fairclough, Grace, Halsall, Hansen, Hardman, Harrison Kelly, Hart, Harvey, Howard, John Joseph Kelly, Sonya Kelly, Killen, Lappin, Lunn-Bates, Ian Maher, McGinnity, McKee, Moncur, Morris, Murphy, Myers, O'Brien, Catie Page, Christopher Page, Prendergast, Pugh, Richards, Riley, Robinson, Roche, Roscoe, Shaw, Spring, Thomas, Lynne Thompson, Tweed, Veidman, Waterfield, Sir Ron Watson and Wilson

106. ORDER OF BUSINESS ON THE AGENDA

The Mayor announced that given the number of members of the public who wished to attend the Council meeting and the very lengthy agenda, she had decided to change the running order of the original agenda.

Given the similarity in subject matters in the public petition received and the Motion submitted by Councillor Morris - Openreach, the Mayor had decided to move Councillor Morris' Motion up the agenda to be the first Motion considered. This would allow the opportunity for members of the public interested in the item to then leave the meeting if they wished.

The Mayor had also decided that the Motion submitted by Councillor Carlin - Support for Calling for a Ceasefire in Palestine and Israel, should then be considered next. This would save those members of the public with an interest in that Motion having to wait until nearly the end of the meeting.

107. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carragher, Cummins, Keith, John Kelly, Lloyd-Johnson, Christine Maher, Anne Thompson and Webster.

108. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declarations of personal interest were made and the Members concerned remained in the room during the consideration of the item:

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Member	Minute No.	Nature of Interest
Councillor Atkinson	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	She is employed by Merseytravel – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Danny Burns	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	He is employed by Knowsley Council Youth Offending Service – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Corcoran	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	She is employed by Liverpool City Council – stayed in the room, took part in the consideration of the item and voted thereon
Councillor D’Albuquerque	Minute No. 111 - Matters Raised by the Public - Public Petition – Petition to stop the telegraph poles	He is a signatory to the petition referred to – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Dowd	Minute No. 123 -	She is employed by NHS

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	Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	Cheshire and Mersey ICB (Liverpool Place) – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Grace	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	She is employed by Liverpool City Council – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Morris	Minute No. 111 - Matters Raised by the Public - Public Petition – Petition to stop the telegraph poles	He is a signatory to the petition referred to – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Murphy	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers	She is employed by Knowsley MBC – stayed in the room, took part in the consideration of the item and voted thereon
Councillor Spring	Minute No. 123 - Motion Submitted by Councillor Lappin - Local Government Pay	He is employed by Merseytravel – stayed in the room, took part in the consideration of the item and voted thereon

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to Council: A Fully
Funded, Proper
Pay Rise for
Council and
School Workers

109. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Council Meeting held on 29 February 2024 be approved as a correct record.

110. MAYOR'S COMMUNICATIONS

Death of Councillor Paula Spencer

The Mayor reported with great sadness on the loss of Councillor Paula Spencer who passed away on 27 March 2024. Paula was elected as a Councillor for St. Oswald Ward on 7 May 2015. During her time on the Council Paula had served on the Overview and Scrutiny Committee (Children's Services and Safeguarding), Planning Committee and Licensing and Regulatory Committee. Paula had a particular interest in matters relating to children and was also Vice-Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) for two years.

On behalf of the Council, the Mayor acknowledged Paula's dedicated service to Sefton and extended her sincere condolences to Paula's husband Andy, their children, Anna, Dale, Jimmy and Kathleen, and the rest of her family, at this difficult time.

Councillors Atkinson, Thomas, Ian Maher, Pugh, O'Brien, Dowd, Harrison Kelly and Prendergast paid tribute to Councillor Paula Spencer.

The Council observed a one-minute silence as a mark of respect in reflecting on the sad passing of Councillor Paula Spencer.

Councillors Not Seeking Re-Election

The Mayor reported that this was the last Council meeting before the Council Elections on 2 May 2024 and that the following Councillors would not be seeking re-election:

- Councillor Linda Cluskey who had served on Sefton Council on 3 separate occasions, for a total of 20 years.
- Councillor Sinclair D'Albuquerque who had served on Sefton Council for 3 years.

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- Councillor Trish Hardy who had served on Sefton Council for 21 years.
- Councillor John Joseph Kelly who had served on Sefton Council for 14 years.
- Councillor Christine Maher who had served on Sefton Council for 3 years.
- Councillor Anne Thompson who had served on Sefton Council for 11 years.
- Councillor Carran Waterfield who had served on Sefton Council for 5 years; and
- Councillor Andrew Wilson who had served on Sefton Council for 3 years.

On behalf of the Council, the Mayor thanked those Members for their dedicated service to the people of Sefton, which when combined totalled 80 years, and extended her best wishes to them for the future.

Mayor of Sefton's Gala Charity Ball 2024

The Mayor reported that her Gala Charity Ball was held on Saturday 6 April 2024 and was a great success. Over 170 people attended the event in Formby Hall, Formby, and a great deal of money was raised on the night for the Mayor's Charity Fund. The Mayor expressed her thanks to all those Members who attended and supported the event. The Mayor was currently planning events for her second term of office and would keep the Council updated on those events during the course of the year.

Royal Visit to Sefton Carers Centre

The Mayor reported that on 16 April, she was honoured to be invited to Sefton Carers Centre to commemorate the 30th anniversary of Sefton Carers. Her Royal Highness Princess Anne was also in attendance at the event. The Mayor considered that it was inspiring to see the invaluable support the Centre offered to unpaid caregivers living in Sefton and praised the number of young people who undertook a carer role.

Conflict in Palestine and Israel

The Mayor referred to the Motion on the agenda about the conflict in Palestine and Israel.

The Council then observed a one-minute silence to remember all those who had lost their lives because of the Palestinian - Israeli conflict.

111. MATTERS RAISED BY THE PUBLIC

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

1.	Mr. Jeffrey Holloway to Councillor Lappin (Cabinet Member – Regulatory, Compliance and Corporate Services)
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together with the response given.

The member of the public who had submitted the question was in attendance at the Council meeting.

RESOLVED:

That the question and response, as set out in the schedule, be noted.

The Mayor reported that a public petition had been received as detailed below.

Petition to stop the telegraph poles

The terms of the petition, which contained over 700 signatures, stated that:

“We the undersigned petition the council to stop the telegraph poles. We the undersigned petition Sefton Metropolitan Borough Council to use all means possible (such as a by-law) to stop the installation of any new telegraph poles throughout Southport (or other communities within the borough opposed to them) and to require the roll-out of fibre to the premises (or other future above ground initiatives) to use underground infrastructure within roads and pavements instead.

We call upon the council to urgently lobby The Minister of State for Data and Digital Infrastructure and the boroughs three Members of Parliament to review the extensive permitted development rights under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the “GPDO”) that currently requires limited or no consultation regarding the installation of telecommunications equipment in communities or specific planning permission.

Where a network builder (code operator) is not adhering to their statutory obligations we call upon the council to formally report the operator to OFCOM and ensure there is an investigation and enforcement action taken.”

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

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The Cabinet Member for Locality Services, Councillor Fairclough, responded to the petition and made the following points:

- The Council was limited in what it could do and did not have powers to stop the erection of the telegraph poles.
- The Byelaws (Alternative Procedure) England Regulations 2016 contained a list of categories for which a byelaw could be made. There was not a category within the Regulations which would allow the Council to make a byelaw that would prevent the installation of telegraph poles on the highway.
- He considered the use of telegraph poles by the operator to be a cost-cutting measure.
- There was no objection to lobbying the Minister and M.P.s., as requested by the petition.
- He considered that permitted development rights restricted consultation with residents and should be in line with permit conditions.
- There was no objection to reporting the operator to OFCOM.

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

RESOLVED: That:

- (1) the lead petitioner be thanked for submitting and presenting the petition to the Council; and
- (2) the petition be noted and that the Council be mindful of the petition in considering the Motion submitted by Councillor Morris - Openreach (Minute No. 123 below refers).

112. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

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

1.	Councillor Evans to the Leader of the Council (Councillor Atkinson)
2.	Councillor Brough to the Cabinet Member for Health and Wellbeing (Councillor Moncur)
3.	Councillor Halsall to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)
4.	Councillor Halsall to the Leader of the Council (Councillor Atkinson)
5.	Councillor Prendergast to the Leader of the Council (Councillor Atkinson)
6.	Councillor Prendergast to the Cabinet Member for Regeneration and Skills (Councillor Howard)

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7.	Councillor Sir Ron Watson to the Leader of the Council
8.	Councillor Prendergast to the Leader of the Council
9.	Councillor Prendergast to the Leader of the Council
10.	Councillor Sir Ron Watson to the Leader of the Council
11.	Councillor Sir Ron Watson to the Leader of the Council
12.	Councillor Pugh to the Cabinet Member for Regeneration and Skills

together with responses given. Supplementary questions to questions 1, 3, 4, 7, 10, 11 and 12 were responded to by the Leader of the Council, the Cabinet Member for Regulatory, Compliance and Corporate Services and the Cabinet Member for Regeneration and Skills.

113. COUNCIL HOUSING GOVERNANCE AND MANAGEMENT ARRANGEMENTS

Further to Minute No. 153 of the meeting of the Cabinet of 4 April 2024, the Council considered the report of the Assistant Director of Place (Economic Growth and Housing) that sought delegated authority for the formal adoption of a suite of council housing policies required to facilitate the management and maintenance of any new Council owned homes as part of the Council Housing Programme; detailed the future governance arrangements for the management of the Council's homes; and also sought approval for an Early Acquisition Scheme including delegated authority to acquire additional properties for council housing provision.

The following appendix was attached to the report:

- Appendix 1 - Regulator of Social Housing Consumer Standards April 2024.

RESOLVED:

That a supplementary capital estimate of £750,000, for an Early Acquisition Scheme to acquire additional properties for Council housing to be included within the Capital Programme, funded through historic right to buy sharing agreement receipts and Homes England grant funding where this may be available and suitable, be approved.

114. CONTINUATION OF THE PUBLIC SPACES PROTECTION ORDER - DOG CONTROL

Further to Minute No. 37 of the meeting of the Licensing and Regulatory Committee of 11 March 2024, the Council considered the report of the Assistant Director of Place (Highways and Public Protection) which

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provided information concerning dog control and an overview of the public consultation on the proposed extension of the existing Public Spaces Protection Order Dog Control 2021 for a further three years.

RESOLVED:

That the extension of the Public Spaces Protection Order Dog Control 2021 for a further three years be approved.

115. FINANCIAL MANAGEMENT 2024/25 TO 2027/28 - REVENUE AND CAPITAL BUDGET UPDATE 2024/25 - ADDITIONAL ESTIMATES

Further to Minute No. 144 (5) of the meeting of the Cabinet of 7 March 2024, the Council considered the report of the Executive Director of Corporate Resources and Customer Services that set out a supplementary estimate for approval in the Council's Capital Programme 2024/25, following a recommendation from Cabinet in March.

RESOLVED:

That a supplementary capital estimate for £2.644m for the Food Waste Collection grant externally funded by Defra, be approved.

116. MEMBERSHIP OF COMMITTEES 2023/24

The Mayor reported that the Labour Group wished to make changes to the membership of the following Committees:

Audit and Governance Committee

Councillor Byrom to be a substitute member for Councillor Spring in place of Councillor Halsall

Overview and Scrutiny Committee (Adult Social Care and Health)

Councillor Grace to be a member in place of Councillor Halsall

Overview and Scrutiny Committee (Children's Services and Safeguarding)

Councillor Tweed to be a member in place of Councillor Carlin

Overview and Scrutiny Committee (Regeneration and Skills)

Councillor Murphy to be a substitute member for Councillor Corcoran in place of Councillor Halsall

Local Joint Consultative Committee

Councillor Dowd to be a member in place of Councillor Carlin

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Member Development Steering Group

Councillor Chris Page to be a member in place of Councillor Carlin

Merseyside Waste Disposal Authority

Councillor Hansen to be a representative in place of Councillor Carlin

Transport Committee (Liverpool City Region Combined Authority Transport Committee)

Councillor Danny Burns to be a representative in place of Councillor Halsall

RESOLVED:

That the changes as detailed above be approved.

117. MOTION SUBMITTED BY COUNCILLOR MORRIS - OPENREACH

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

Openreach Lack of Consultation with residents

Southport having a unique Victorian seaside townscape has been largely free of any overhead cables or above ground apparatus since the inception of Southport Corporation in 1867 except for the electrical tramways in 1900. Since the removal of the overhead wires for the tramways, Southport has enjoyed a visual amenity on its streets and townscape by having very few telegraph poles and overhead cables which would normally create a 'spiders web' spoiling the visual amenity of its streets for her residents. At present, most of Southport copper telephone infrastructure is buried 'direct in ground' and only very few streets have their telephone lines in ducting.

Network operators such as Openreach are exempt from requiring planning approval under 'Permitted Development' and are only required to inform the local authority one calendar month before requesting permits. The only consultation with residents and public is in the form of a paper notice pinned or taped to trees or lamp posts in the vicinity of a new pole, often poorly placed so that it will not be read i.e. facing the road rather than pavement 28 days before permits are sought. There is no telephone number to call with objections neither an email address, only a postal address.

Consultation then takes place with the 'objectors' whereby Openreach listen to all objections only to end the 'consultation' with the fact that they will still erect poles where they are not wanted. When asked why they do not carry out area consultations in church halls etc, they state that they would receive too many objections!

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Openreach started the roll out of FTTP from the Churchtown exchange using telegraph poles in February of this year. Residents of those roads which opposed the erection of poles, spoiling the visual amenities of their streets and possibly reducing property prices protested peacefully to raise their collective objections to the roll out by Openreach.

The Minister of State for Data and Digital Infrastructure Hon Julia Lopez MP wrote to Openreach and other fixed line operators on 15 March 2024 and stated.

“New telegraph poles should only be in cases where installing lines underground is not reasonably practicable, and only after ensuring that appropriate community engagement has taken place and that the siting of new infrastructure will not cause obstructions to traffic or unduly impact the visible amenity of the local area”

This Council therefore resolves to:-

1. Urge Openreach to reconsider their decision to erect telegraph poles instead of ducting due to cost to preserve Southport's townscape and visible amenity.
2. Contact Openreach and insist that the spirit of the Ministers letter of the 14th March 2024 is adhered to in regard to meaningful consultation with residents, and pause the roll out in Southport until the existing 'cabinet and siting and pole siting Code of Practice of 2016 has been revised.
3. Support residents if the majority of the road or street do not want poles erected and write to Openreach asking for a pause to the installation and call for a public meeting with those residents to establish an amicable resolution.
4. If the Council considers that any operator has breached health and safety conditions attached to any permit or is using unsafe working practices this will be raised with the operator immediately in the most robust terms and the Council will be mindful of this when granting any further permits and / or when considering whether any permits should be suspended.

An **amendment** was moved by Councillor Myers, seconded by Councillor Fairclough that the Motion be revised as follows:

Openreach Lack of Consultation with residents

Southport having a unique Victorian seaside townscape has been largely free of any overhead cables or above ground apparatus since the inception of Southport Corporation in 1867 except for the electrical tramways in 1900. Since the removal of the overhead wires for the tramways, Southport has enjoyed a visual amenity on its streets and

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townscape by having very few telegraph poles and overhead cables which would normally create a 'spiders web' spoiling the visual amenity of its streets for her residents. At present, most of Southport copper telephone infrastructure is buried 'direct in ground' with ducting also being installed in various streets since approximately the 90's.

Network operators such as Openreach are exempt from requiring planning approval under 'Permitted Development' and are only required to inform the local authority one calendar month before requesting permits. The only consultation with residents and public is in the form of a paper notice pinned or taped to trees or lamp posts in the vicinity of a new pole, often poorly placed so that it will not be read i.e. facing the road rather than pavement 28 days before permits are sought. There is no telephone number to call with objections neither an email address, only a postal address.

Consultation then takes place with the 'objectors' whereby Openreach listen to all objections only to end the 'consultation' with the fact that they will still erect poles where they are not wanted. When asked why they do not carry out area consultations in church halls etc, they state that they would receive too many objections!

Openreach started the roll out of FTTP from the Churchtown exchange using telegraph poles in February of this year. Residents of those roads which opposed the erection of poles, spoiling the visual amenities of their streets and possibly reducing property prices protested peacefully to raise their collective objections to the roll out by Openreach.

The Minister of State for Data and Digital Infrastructure Hon Julia Lopez MP wrote to Openreach and other fixed line operators on 15 March 2024 and stated:-

"New telegraph poles should only be in cases where installing lines underground is not reasonably practicable, and only after ensuring that appropriate community engagement has taken place and that the siting of new infrastructure will not cause obstructions to traffic or unduly impact the visible amenity of the local area."

Also making promises of changes to the current code of practice covering pole siting - however, no timescale was given for when these changes would take place nor details of how they would properly address situations like those locally or constrain operators from ignoring community concerns in future. As such, and in addition to the points to be raised as a result of the residents' petition on this subject earlier and agreed by Cllr Fairclough.

This Council therefore resolves to:-

- 1 Write to The Minister of State for Data and Digital Infrastructure Hon Julia Lopez MP expressing our strong concern over the way Openreach and other companies are allowed to exploit the situation created by the Government in recent years.

- 2 Urge the Minister to propose an immediate pause of work in those residential streets which have expressed strong concerns until the Minister outlines a detailed timetable for significant changes to the 2016 Cabinet siting and Pole Siting Code of Practice which will address the issues outlined above and then implements them.

This would include making meaningful and transparent pre-consultation with residents compulsory; making adherence to the code legally compulsory, and giving Ofcom powers to enforce it - none of which is presently the case.

- 3 Contact Openreach to inform them of the above and ask them to pause their work in streets where the majority of residents oppose the poles and to implement a system going forward where the company properly and openly consult with residents and then collate and make publicly available the results.

Following a debate on the **Amendment** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Amendment was carried** by 50 votes to 0 with 5 abstentions and on being put as the **Substantive Motion** it was **carried unanimously** and it was:

RESOLVED:

Openreach Lack of Consultation with residents

Southport having a unique Victorian seaside townscape has been largely free of any overhead cables or above ground apparatus since the inception of Southport Corporation in 1867 except for the electrical tramways in 1900. Since the removal of the overhead wires for the tramways, Southport has enjoyed a visual amenity on its streets and townscape by having very few telegraph poles and overhead cables which would normally create a 'spiders web' spoiling the visual amenity of its streets for her residents. At present, most of Southport copper telephone infrastructure is buried 'direct in ground' with ducting also being installed in various streets since approximately the 90's.

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“New telegraph poles should only be in cases where installing lines underground is not reasonably practicable, and only after ensuring that appropriate community engagement has taken place and that the siting of new infrastructure will not cause obstructions to traffic or unduly impact the visible amenity of the local area.”

Also making promises of changes to the current code of practice covering pole siting - however, no timescale was given for when these changes would take place nor details of how they would properly address situations like those locally or constrain operators from ignoring community concerns in future. As such, and in addition to the points to be raised as a result of the residents' petition on this subject earlier and agreed by Cllr Fairclough.

This Council therefore resolves to:-

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- 3 Contact Openreach to inform them of the above and ask them to pause their work in streets where the majority of residents oppose the poles and to implement a system going forward where the

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company properly and openly consult with residents and then collate and make publicly available the results.

118. MOTION SUBMITTED BY COUNCILLOR CARLIN - SUPPORT FOR CALLING FOR A CEASEFIRE IN PALESTINE AND ISRAEL

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

Motion on Support for calling for a Ceasefire in Palestine and Israel

This Council:

Condemns the murder of innocent civilians, the taking of hostages and the subsequent death and destruction in Gaza. This Council believes that there must be an urgent priority to stop the deaths and suffering of anymore civilians internationally and to prevent potential harm caused directly and indirectly to Sefton Residents, both at home and abroad. This Council expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in Sefton who have been affected by this conflict, we offer our support in this difficult time.

Sefton Council supports calls by the UN Security Council for an immediate permanent ceasefire to allow more aid into Gaza and Palestine and to help the possibility of a peaceful resolution. It further supports the immediate release of all hostages and believes that there should be full humanitarian access in Gaza immediately. This would result in a reduction in the loss of lives and the distress caused internationally, whilst also reducing the stress and harm caused to those directly and indirectly impacted within our borough.

Believes that the recent tragic events in Palestine and Israel must not be allowed to divide our communities in Sefton. This Council therefore condemns any increase in Anti-Semitic and Islamophobic violence and abuse in the UK and believes that all forms of racism have no place in our Borough. This Council believes Jews, Muslims and people of all faiths should feel safe in Sefton.

This Council resolves to:

- Offer support to any local residents who need our assistance as a result of these violent events.
- Be ready to provide support and open our arms to innocent people displaced and affected by these events.
- Ask the leader of the council to write to the Prime Minister and the Leader of the Opposition to express the Council's view that there should be an urgent permanent ceasefire in Gaza, the rest of Palestine and Israel and that every effort should be made to resume the peace process, including upholding Humanitarian Law to ensure civilians everywhere are protected.

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COUNCIL - THURSDAY 18TH APRIL, 2024

An **amendment** was moved by Councillor Atkinson, seconded by Councillor Fairclough that the Motion be revised as follows:

Support for calling for a Ceasefire in Palestine and Israel

This Council:

Condemns the murder of innocent civilians, the taking of hostages and regrets the subsequent death and destruction in Gaza. This Council believes that there must be an urgent priority to stop the deaths and suffering of anymore civilians internationally and to prevent potential harm caused directly and indirectly to Sefton Residents, both at home and abroad. This Council expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in Sefton who have been affected by this conflict, we offer our support in this difficult time.

Sefton Council supports calls by the UN Security Council for an immediate ceasefire to allow more aid into Gaza and Palestine and to help the possibility of a peaceful resolution. It further supports the immediate release of all hostages and believes that there should be full humanitarian access in Gaza immediately. This would result in a reduction in the loss of lives and the distress caused internationally, whilst also reducing the stress and harm caused to those directly and indirectly impacted within our borough.

Believes that the recent tragic events in Palestine and Israel must not be allowed to divide our communities in Sefton. This Council therefore condemns any increase in Anti-Semitic and Islamophobic violence and abuse in the UK and believes that all forms of racism have no place in our Borough. This Council believes Jews, Muslims and people of all faiths should feel safe in Sefton.

This Council resolves to:

- Offer support to any local residents who need our assistance as a result of these violent events.
- Be ready to provide support and open our arms to innocent people displaced and affected by these events.
- Ask the Leader of the Council to express the council's view and write to the Prime Minister supporting the stance of the Shadow Secretary of State for Foreign, Commonwealth and Development Affairs and the UN Council and call for an immediate cease fire, the immediate release of all hostages and immediate humanitarian access into Gaza; so that we can have a permanent ceasefire and work towards a long-term peaceful solution.

Following a debate on the **Amendment** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Amendment was carried** by 45 votes to 9 with 1 abstention.

COUNCIL - THURSDAY 18TH APRIL, 2024

Following debate and in accordance with rule 95 of Chapter 4 in the Constitution, the voting on the **Substantive Motion** was recorded and the Members present at the time, voted as follows:

FOR THE SUBSTANTIVE MOTION:

Councillors Atkinson, Bradshaw, Brough, Danny Burns, Byrom, Cluskey, Corcoran, Desmond, Dowd, Doyle, Fairclough, Grace, Hansen, Hardman, Harrison Kelly, Hart, Harvey, Howard, John Joseph Kelly, Sonya Kelly, Killen, Lappin, Lunn-Bates, Ian Maher, McKee, Moncur, Morris, Murphy, Myers, O'Brien, Catie Page, Christopher Page, Prendergast, Richards, Riley, Robinson, Roche, Roscoe, Spring, Thomas, Tweed, Veidman, Waterfield and Sir Ron Watson.

AGAINST THE SUBSTANTIVE MOTION:

None.

ABSTENTIONS:

Councillors Brodie-Browne, Carlin, D'Albuquerque, Dodd, Evans, Halsall, Pugh, Shaw, Lynne Thompson and Wilson.

The Mayor declared that the Substantive Motion was carried by 45 votes to 0 with 10 abstentions and it was:

RESOLVED:

Support for calling for a Ceasefire in Palestine and Israel

This Council:

Condemns the murder of innocent civilians, the taking of hostages and regrets the subsequent death and destruction in Gaza. This Council believes that there must be an urgent priority to stop the deaths and suffering of anymore civilians internationally and to prevent potential harm caused directly and indirectly to Sefton Residents, both at home and abroad. This Council expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in Sefton who have been affected by this conflict, we offer our support in this difficult time.

Sefton Council supports calls by the UN Security Council for an immediate ceasefire to allow more aid into Gaza and Palestine and to help the possibility of a peaceful resolution. It further supports the immediate release of all hostages and believes that there should be full humanitarian access in Gaza immediately. This would result in a reduction in the loss of lives and the distress caused internationally, whilst also reducing the stress and harm caused to those directly and indirectly impacted within our borough.

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Believes that the recent tragic events in Palestine and Israel must not be allowed to divide our communities in Sefton. This Council therefore condemns any increase in Anti-Semitic and Islamophobic violence and abuse in the UK and believes that all forms of racism have no place in our Borough. This Council believes Jews, Muslims and people of all faiths should feel safe in Sefton.

This Council resolves to:

- Offer support to any local residents who need our assistance as a result of these violent events.
- Be ready to provide support and open our arms to innocent people displaced and affected by these events.
- Ask the Leader of the Council to express the council's view and write to the Prime Minister supporting the stance of the Shadow Secretary of State for Foreign, Commonwealth and Development Affairs and the UN Council and call for an immediate cease fire, the immediate release of all hostages and immediate humanitarian access into Gaza; so that we can have a permanent ceasefire and work towards a long-term peaceful solution.

119. MOTION SUBMITTED BY COUNCILLOR PRENDERGAST - REMOVAL OF TEMPORARY CYCLE LANES

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

Removal of Temporary Cycle Lanes

This council recognises that the temporary cycle lanes installed in Southport (Talbot Street, Houghton Street and Queens Road) were a mistake that should be rectified by their removal.

They are damaging local businesses, limiting access to town centre services to those who rely on their cars and have reduced the amount of parking available in Southport town centre.

Therefore, this council acknowledges that a mistake has been made and resolves to remove the temporary cycle lanes at the earliest opportunity.

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 12 votes to 40 with 3 abstentions.

120. MOTION SUBMITTED BY COUNCILLOR DANNY BURNS - END FUEL POVERTY CUT STANDING CHARGES ON DOMESTIC ENERGY BILLS

It was moved by Councillor Danny Burns, seconded by Councillor Lappin:

End Fuel Poverty cut Standing Charges on Domestic Energy Bills

This Council notes that:

High standing charges for gas and electricity have resulted in unfair and excessively high energy bills which have seriously impacted on lower income energy users.

These households spend a much higher share of their income on energy, this adds massive pressure to their already stretched household income. There can be no justification for increasing standing charges starting from January 2024. The regulators have once again failed to protect lower income households and this continues to have a catastrophic effect on their personal income, driving people into further poverty. Switching supplier for a cheaper deal incurs exit fees resulting in low-income households being trapped in expensive and exploitative contracts, this was not the type of competitive deals we were promised with gas and electricity privatisation.

Between January and March 2024, average standing charges for customers on default tariffs will be capped in line with the levels set by Ofgem, this cap will charge at 53.34p per day for electricity and 29.60p per day for gas, excluding VAT. This is an example of a typical cost facing a dual fuel customer paying by direct debit. Between 1 April and 30 June 2024, Ofgem's new energy price cap will increase standing charges to be set at 60.10p per day for electricity and 31.43p per day for gas.

Standing charges vary from region to region, which raises the issue of equality and fairness - how are these charges decided?

The charges facing households on prepayment meters are the highest daily charge and are the most unfair. Charging those who cannot afford to pay for a standard account, or live in a property where they are denied access to this payment facility, results in them always paying more for their gas and electricity.

These hidden charges must be paid even if there is no credit on the meter, when the meter is topped up this charge must be repaid regardless of the household's financial circumstances.

Once a metre is installed into a property it is almost impossible to have it removed and revert back to monthly direct debits. This is not giving the customer any sort of choice as to how they access their energy supply and is leaving people with increased energy bills and potentially placing people in further, unnecessary hardship. Customers should have the right to choose how they pay their bills and not have these meters forced on them. New rulings made have stopped pre-payment metres from being forced onto Customers, yet pre-existing metres remain in homes with no recourse to have them removed.

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The Child Poverty Action Group stated in 2023: -

- “By January 2023 over half of households in the UK (15 million) will be in fuel poverty – spending over 10 per cent of net income on fuel.
- They will on average be spending £38.25 above the 10 per cent threshold.
- There are big regional variations in fuel poverty ranging from 47.5 per cent in London to 71.7 per cent in Northern Ireland.

In an economy which boasts of being the 6th largest on the planet, the level of fuel poverty in the UK is a disgrace. To live in fear of receiving exceptionally high bills leaves adults and children existing in unheated homes, resulting in severe health issues for now and in later life.

There must be a real safety net for the most vulnerable residents of Sefton with health needs and disabilities who tend to be the highest users of energy due to their vulnerabilities. We ask all members of Sefton Council to support this motion.

The Council resolves:

To write to the Prime Minister urging him to work with Ofgem to lower these unfair high standing order charges as a matter of utmost urgency and to guarantee to put in place measures which will ensure that Sefton residents are not subjected to the cruel and debilitating effects of fuel poverty.

An **amendment** was moved by Councillor Wilson, seconded by Councillor Halsall that the Motion be amended as follows:

That the following text be added to the final paragraph after the words “Prime Minister”

- and the Leader of the Opposition

The Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the amendment was lost by 14 votes to 40.

On being put as the **Substantive Motion** it was **carried unanimously** and it was:

RESOLVED:

End Fuel Poverty cut Standing Charges on Domestic Energy Bills

This Council notes that:

High standing charges for gas and electricity have resulted in unfair and excessively high energy bills which have seriously impacted on lower income energy users.

These households spend a much higher share of their income on energy, this adds massive pressure to their already stretched household income. There can be no justification for increasing standing charges starting from January 2024. The regulators have once again failed to protect lower income households and this continues to have a catastrophic effect on their personal income, driving people into further poverty. Switching supplier for a cheaper deal incurs exit fees resulting in low-income households being trapped in expensive and exploitative contracts, this was not the type of competitive deals we were promised with gas and electricity privatisation.

Between January and March 2024, average standing charges for customers on default tariffs will be capped in line with the levels set by Ofgem, this cap will charge at 53.34p per day for electricity and 29.60p per day for gas, excluding VAT. This is an example of a typical cost facing a dual fuel customer paying by direct debit. Between 1 April and 30 June 2024, Ofgem's new energy price cap will increase standing charges to be set at 60.10p per day for electricity and 31.43p per day for gas.

Standing charges vary from region to region, which raises the issue of equality and fairness - how are these charges decided?

The charges facing households on prepayment meters are the highest daily charge and are the most unfair. Charging those who cannot afford to pay for a standard account, or live in a property where they are denied access to this payment facility, results in them always paying more for their gas and electricity.

These hidden charges must be paid even if there is no credit on the meter, when the meter is topped up this charge must be repaid regardless of the household's financial circumstances.

Once a metre is installed into a property it is almost impossible to have it removed and revert back to monthly direct debits. This is not giving the customer any sort of choice as to how they access their energy supply and is leaving people with increased energy bills and potentially placing people in further, unnecessary hardship. Customers should have the right to choose how they pay their bills and not have these meters forced on them. New rulings made have stopped pre-payment metres from being forced onto Customers, yet pre-existing metres remain in homes with no recourse to have them removed.

The Child Poverty Action Group stated in 2023: -

- "By January 2023 over half of households in the UK (15 million) will be in fuel poverty – spending over 10 per cent of net income on fuel.
- They will on average be spending £38.25 above the 10 per cent threshold.

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- There are big regional variations in fuel poverty ranging from 47.5 per cent in London to 71.7 per cent in Northern Ireland.

In an economy which boasts of being the 6th largest on the planet, the level of fuel poverty in the UK is a disgrace. To live in fear of receiving exceptionally high bills leaves adults and children existing in unheated homes, resulting in severe health issues for now and in later life.

There must be a real safety net for the most vulnerable residents of Sefton with health needs and disabilities who tend to be the highest users of energy due to their vulnerabilities. We ask all members of Sefton Council to support this motion.

The Council resolves:

To write to the Prime Minister urging him to work with Ofgem to lower these unfair high standing order charges as a matter of utmost urgency and to guarantee to put in place measures which will ensure that Sefton residents are not subjected to the cruel and debilitating effects of fuel poverty.

121. MOTION SUBMITTED BY COUNCILLOR ATKINSON - SUPPORT TO WOMEN IN PUBLIC LIFE

It was moved by Councillor Atkinson, seconded by Councillor Prendergast and unanimously:

RESOLVED:

Support to Women in Public Life

45% of Sefton Councillors are women, with Sefton Council recently appointing its first female leader in its 50 year history.

Sefton is a positive reflection of how increasing numbers of women are participating in politics and wider public life, including being elected to public office, attending political events, and making their voices heard. Even in societies where women do not have equal rights, they often risk their lives to speak out and are not prepared to be silent partners in the future of their countries.

But despite the progress women have made in this country and in this instance in Sefton, there is the ever-present spectre of misogyny, particularly on social media. Unfortunately, we are all aware of the level of abuse many, if not all, female councillors experience. This can involve inappropriate language of a sexualised nature, threats, accusations, complete lies, foul language, humiliating negative comments about looks, body size and shape, to name a few. The sole aim of this disgraceful behaviour, given it is specifically targeted at women, is to seek to undermine all that is female. The trolls all have one thing in common...their hatred of women.

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In recognition of this serious problem and the desire of this council to demonstrate its continued support to women in public life:

This council resolves to

- Take a zero-tolerance approach to this behaviour and help protect female councillors in Sefton.
- Agree to treat those individuals (with the appropriate evidence,) who are guilty of this despicable behaviour as vexatious complainants to deter further insult and degradation to women because of their gender.
- In light of this motion, ask officers to review the Council's Vexatious and Unfocussed Complaints Policy.
- Work closely with the Police and Crime Commissioner and the Police to hold to account and work toward full prosecution of those who are guilty of those behaviours.
- Work with newly elected female councillors to advise them of those who have been identified as vexatious complainants because of the inappropriate behaviour in order they take a robust approach and protect themselves from these attacks.

122. MOTION SUBMITTED BY COUNCILLOR SPRING - SEFTON 50TH ANNIVERSARY

It was moved by Councillor Spring, seconded by Councillor Murphy:

Sefton 50th Anniversary

This Council notes on 1st April, it will be the 50th Anniversary of the creation of the Borough of Sefton. Sefton has a unique history with its 22 miles of coastline and has a rich history of culture, all across the borough.

This Council resolves:

to thank all the employees and voluntary sector of Sefton since 1974, ensuring that it has been successful; and

to continue to promote Sefton and ensure we thrive over the next 50 years.

An **amendment** was moved by Councillor Pugh, seconded by Councillor Shaw that the Motion be revised as follows:

By deleting the following words

Delete - to continue to promote Sefton and ensure we thrive over the next 50 years

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Replace with - Recognising the very diverse, independent and proud communities that make up the municipal unit of Sefton and the stresses this has sometimes caused, to explore new ways of giving them greater powers of autonomy and self-control in line with previous recommendations of the Boundary Commission

Following a debate on the **amendment**, the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **amendment was lost** by 11 votes to 40.

On being put the **Original Motion** was **carried unanimously** and it was:

RESOLVED:

Sefton 50th Anniversary

This Council notes on 1st April, it will be the 50th Anniversary of the creation of the Borough of Sefton. Sefton has a unique history with its 22 miles of coastline and has a rich history of culture, all across the borough.

This Council resolves:

to thank all the employees and voluntary sector of Sefton since 1974, ensuring that it has been successful; and

to continue to promote Sefton and ensure we thrive over the next 50 years.

123. MOTION SUBMITTED BY COUNCILLOR LAPPIN - LOCAL GOVERNMENT PAY TO COUNCIL: A FULLY FUNDED, PROPER PAY RISE FOR COUNCIL AND SCHOOL WORKERS

It was moved by Councillor Lappin, seconded by Councillor Dowd:

Local government pay to council: a fully funded, proper pay rise for council and school workers

This council notes:

Since 2010, local government workers have lost an average of 25% from the value of their pay. Our staff are experiencing an ongoing cost of living crisis. Since 2010 the cost of living has risen by 60%, more and more local government workers have been pushed into debt, and their basic spending has overtaken their income, with 1 in 5 households having less than £100 to spare each month. This is a terrible situation for anyone to find themselves in.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, the local government workforce has fallen by 30% as a result of job cuts. This has had a

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disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Local government continues to show how indispensable it is. But staff are increasingly leaving the sector for better paid jobs elsewhere, for example in retail, leaving local authorities with a massive skills gap, and vacancies in a range of key services, including in social care, education and youth services.

Local government finance is in an enormously difficult state, facing an estimated funding gap of more than £3.5 billion for 2024/25. Recent research shows that if the Government were to fully fund the unions' 2024 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, and increased consumer spending in the local economy.

This council believes:

Our workers are public service super-heroes. They keep our communities clean and safe, look after those in need and keep our neighbourhoods, towns and cities running.

Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.

Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding has been cut to the bone.

This council resolves to:

Support the pay claim submitted by UNISON, GMB and Unite on behalf of council and school workers, for an increase of £3,000 or 10%, whichever is the greater.

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim, working with the unions to present a united front in defence of the local government workforce.

Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.

Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.

Encourage all local government workers to join a union.

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An **amendment** was moved by Councillor Shaw, seconded by Councillor Halsall that the Motion be revised as follows:

By adding the following words to 'This council resolves to:' after paragraph three:

(Noting that a General Election must be held within the current 2024/25 municipal year, and that all current indications are that a change of government is highly likely) write to the Shadow Chancellor and the Shadow Secretary of State calling for any incoming Labour Government to pledge to fund the above pay increase with new money from central government, to the extent it is not funded by the present Conservative Government.

Following a debate on the **Amendment** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Amendment was lost** by 11 votes to 40.

Following a debate on the **Original Motion** the Chief Legal and Democratic Officer officiated a vote and the Mayor declared that the **Original Motion was carried** by 40 votes to 11 and it was:

RESOLVED:

Local government pay to council: a fully funded, proper pay rise for council and school workers

This council notes:

Since 2010, local government workers have lost an average of 25% from the value of their pay. Our staff are experiencing an ongoing cost of living crisis. Since 2010 the cost of living has risen by 60%, more and more local government workers have been pushed into debt, and their basic spending has overtaken their income, with 1 in 5 households having less than £100 to spare each month. This is a terrible situation for anyone to find themselves in.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, the local government workforce has fallen by 30% as a result of job cuts. This has had a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Local government continues to show how indispensable it is. But staff are increasingly leaving the sector for better paid jobs elsewhere, for example in retail, leaving local authorities with a massive skills gap, and vacancies in a range of key services, including in social care, education and youth services.

Local government finance is in an enormously difficult state, facing an estimated funding gap of more than £3.5 billion for 2024/25. Recent

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research shows that if the Government were to fully fund the unions' 2024 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, and increased consumer spending in the local economy.

This council believes:

Our workers are public service super-heroes. They keep our communities clean and safe, look after those in need and keep our, neighbourhoods, towns and cities running.

Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.

Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding has been cut to the bone.

This council resolves to:

Support the pay claim submitted by UNISON, GMB and Unite on behalf of council and school workers, for an increase of £3,000 or 10%, whichever is the greater.

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim, working with the unions to present a united front in defence of the local government workforce.

Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.

Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.

Encourage all local government workers to join a union.

124. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

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125. ACQUISITION OF MAGDALEN HOUSE, 30 TRINITY ROAD, BOOTLE - EXEMPT APPENDIX

The Council considered exempt information provided by the Executive Director of Corporate Resources and Customer Services in relation to the Acquisition of Magdalen House, 30 Trinity Road, Bootle (Minute No. 127 below refers).

RESOLVED:

That the exempt information be considered as part of the report in relation to the Acquisition of Magdalen House, 30 Trinity Road, Bootle (Minute No. 127 below refers).

126. RE-ADMITTANCE OF THE PUBLIC

RESOLVED:

That the press and public be re-admitted to the meeting.

127. ACQUISITION OF MAGDALEN HOUSE, 30 TRINITY ROAD, BOOTLE

Further to Minute No. 158 of the meeting of the Cabinet of 4 April 2024, the Council considered the report of the Executive Director of Corporate Resources and Customer Services on the principal terms and conditions agreed for the acquisition of the freehold interest in Magdalen House, Bootle.

The following exempt appendix was attached to the report:

- Appendix 1 – Financial Details

It was moved by Councillor Atkinson, seconded by Councillor Fairclough:

That:

Acquisition of Magdalen House, 30 Trinity Road, Bootle

- (1) the acquisition of the freehold interest in Magdalen House, on the basis of the price detailed within Appendix 1 of the report, be approved;
- (2) the Chief Legal and Democratic Officer be authorised to complete the necessary legal documentation;
- (3) approval be granted to seek Public Works Loan Board (PWLB) funding to meet the capital costs required; and
- (4) a supplementary capital estimate, as detailed within Appendix 1 of the report, be approved for inclusion within the Capital Programme,

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to be funded by borrowing, repayments to be met from the annual rental saving.

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 40 votes to none with 11 abstentions and it was:

RESOLVED: That

- (1) the acquisition of the freehold interest in Magdalen House, on the basis of the price detailed within Appendix 1 of the report, be approved;
- (2) the Chief Legal and Democratic Officer be authorised to complete the necessary legal documentation;
- (3) approval be granted to seek Public Works Loan Board (PWLB) funding to meet the capital costs required; and
- (4) a supplementary capital estimate, as detailed within Appendix 1 of the report, be approved for inclusion within the Capital Programme, to be funded by borrowing, repayments to be met from the annual rental saving.

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LOCAL GOVERNMENT ELECTIONS – 2 MAY 2024

SUMMARY OF ELECTION RESULTS

AINSDALE WARD

Ryan Abbott	The Conservative Party Candidate	527
Francis (Frank) Hanley	Labour Party	1193
Laurence George Rankin	The Green Party Candidate	145
Lynne Thompson	Liberal Democrats	1978
	Spoilt Ballot Papers	24
	Total Votes	3867
	Electorate	10061
	% Turnout	38.47

BIRKDALE WARD

Jeff Bee	The Green Party Candidate	168
Sam Harris	The Conservative Party Candidate	489
Erin Harvey	Liberal Democrats	1357
Sonya Ann Kelly	Labour Party	1435
	Spoilt Ballot Papers	26
	Total Votes	3475
	Electorate	10018
	% Turnout	34.69

BLUNDELLSANDS WARD

Katie Maria Burgess	Conservative Party	548
Kieran Dams		270
Brian Frederick Dunning		224
Diane Elizabeth Roscoe	Labour Party	2249
	Spoilt Ballot Papers	25
	Total Votes	3316
	Electorate	9159
	% Turnout	36.2

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CAMBRIDGE WARD

Gary Robert Owen Haran Doyle	The Conservative Party Candidate	1002
Stephen William Hesketh	The Green Party Candidate	204
Callum Naylor	Labour Party	816
Michael Robert (Mike) Sammon	Liberal Democrats	1161
	Spoilt Ballot Papers	28
	Total Votes	3211
	Electorate	9716
	% Turnout	33.05

CHURCH WARD

Dorothy Amanda Brown	The Conservative Party Candidate	91
Paul Paschal Cummins	Labour and Co-operative Party	1307
Neil Anthony Doolin	The Green Party Candidate	1412
	Spoilt Ballot Papers	18
	Total Votes	2828
	Electorate	9091
	% Turnout	31.11

DERBY WARD

Iain Beckett	The Conservative Party Candidate	91
Rowenna Dominique Gibson	Liberal Democrats	41
Maria Porter	Labour Party	1580
Kate Robinson	The Green Party Candidate	114
Leighton Lee James Sealeaf	Reform UK	122
Dean Young	Trade Unionist and Socialist Coalition	55
	Spoilt Ballot Papers	20
	Total Votes	2023
	Electorate	9002
	% Turnout	22.47

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DUKES WARD

Damien Joseph Peter Bond	Liberal Democrats	967
Helen Lorna Duerden	Labour Party	764
David Ian Newman	The Green Party Candidate	195
Mike Prendergast	The Conservative Party Candidate	1379
	Spoilt Ballot Papers	29
	Total Votes	3334
	Electorate	10442
	% Turnout	31.93

FORD WARD

Lyndsey Doolin		187
Paulette Lappin	Labour Party	1541
Adarsh Makdani	Liberal Democrats	56
Michael Shaw	The Conservative Party Candidate	120
	Spoilt Ballot Papers	17
	Total Votes	1921
	Electorate	9243
	% Turnout	20.78

HARINGTON WARD

Karen Cavanagh	Labour Party	1613
Annie Gorski	Liberal Democrats	142
Dave Irving	Formby Residents Action Group	551
Joe Riley	The Conservative Party Candidate	978
Michael James Walsh	The Green Party Candidate	244
	Spoilt Ballot Papers	17
	Total Votes	3545
	Electorate	9689
	% Turnout	36.59

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KEW WARD

Jen Corcoran	Labour Party	1358
Daniel George (Daniel) Lewis	Liberal Democrats	1118
Owen James Phillips	The Conservative Party Candidate	440
Rob Wesley	The Green Party Candidate	184
	Spoilt Ballot Papers	33
	Total Votes	3133
	Electorate	10720
	% Turnout	29.23

LINACRE WARD

John Graham Campbell	The Conservative Party Candidate	103
David Charles Mellalieu	Liberal Democrats	134
Joanne Williams	Labour Party	1402
	Spoilt Ballot Papers	26
	Total Votes	1665
	Electorate	9073
	% Turnout	18.35

LITHERLAND WARD

Colin Appleton	The Conservative Party Candidate	99
Roy Leslie Connell	Liberal Democrats	47
Amber-Page Marilyn Moss	The Green Party Candidate	142
Paula Murphy	Labour Party	1526
Ian Smith	Independent	249
	Spoilt Ballot Papers	19
	Total Votes	2082
	Electorate	9055
	% Turnout	22.99

MANOR WARD

Martyn Paul Barber	Conservative Party	520
John Philip Robson Gibson	Liberal Democrats	233
Dominic McNabb	Labour Party	1800
James David O`Keeffe		311
	Spoilt Ballot Papers	17
	Total Votes	2881
	Electorate	9845
	% Turnout	29.21

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MEOLS WARD

John Dodd	Liberal Democrat	1452
Pauline Ann Hesketh	The Green Party Candidate	208
Steve Jowett	Labour Party	863
Bob Teesdale	The Conservative Party Candidate	613
	Spoilt Ballot Papers	21
	Total Votes	3157
	Electorate	10016
	% Turnout	31.52

MOLYNEUX WARD

Marcus Bleasedale	Conservative Party	254
David William Collins		220
Sam Hinde	Labour Party	2063
Paul Young	Liberal Democrats	213
	Spoilt Ballot Papers	32
	Total Votes	2782
	Electorate	10187
	% Turnout	27.31

NETHERTON AND ORRELL WARD

Simon Francois Xavier Albert Baron	The Green Party Candidate	127
Owen Croft	Trade Unionist and Socialist Coalition	50
Vic Foulds	Liberal Democrats	55
Adam Ernest Marsden	The Conservative Party Candidate	113
Tom Spring	Labour Party	1637
Maria Walsh	Freedom Alliance - Stop the Corruption!	120
	Spoilt Ballot Papers	12
	Total Votes	2114
	Electorate	9616
	% Turnout	21.98

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NORWOOD WARD

Lesley Delves	Liberal Democrats	433
David Andrew McIntosh	The Green Party Candidate	306
Margaret E Middleton	The Conservative Party Candidate	461
Dave Neary	Labour Party	1487
	Spoilt Ballot Papers	38
	Total Votes	2725
	Electorate	10232
	% Turnout	26.65

PARK WARD

Keith William Cawdron	Liberal Democrat	76
Roy Greason	The Green Party Candidate	180
Paul Francis McCord	Lydiate and Maghull Community Independents	641
Chloe Parker	Labour Party	1621
Craig Peter Titherington	Conservative Party	274
	Spoilt Ballot Papers	14
	Total Votes	2806
	Electorate	9646
	% Turnout	29.1

RAVENMEOLS WARD

Maria Bennett	Formby Residents Action Group	741
Alison Moira Gibbon	The Green Party	201
Lisa Ann Nicolson-Smith	Liberal Democrats	89
Catie Page	Labour Party	1759
Angelica Sadrieva	The Conservative Party Candidate	307
	Spoilt Ballot Papers	12
	Total Votes	3109
	Electorate	9793
	% Turnout	31.75

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ST. OSWALD WARD

Henry Bliss	The Conservative Party Candidate	100
Joe Johnson	Labour Party	1270
Conor Anthony O'Neill	Trade Unionist and Socialist Coalition	127
Rupert Shoebridge	The Green Party Candidate	119
	Spoilt Ballot Papers	11
	Total Votes	1627
	Electorate	8028
	% Turnout	20.27

SUDELL WARD

Marie Blease		23
Paul Andrew Dunbar		128
James Joseph Hansen	Labour Party	1715
Daniel Robert Kirk	The Conservative Party Candidate	336
Joanne Elizabeth McCall	Lydiat and Maghull Community Independents	604
James Tattersall	Liberal Democrats	104
	Spoilt Ballot Papers	15
	Total Votes	2925
	Electorate	10383
	% Turnout	28.2

VICTORIA WARD

Paul Martyn Barber	The Conservative Party Candidate	253
Samantha Lauren Cook		380
Hannah Jane Gee	Liberal Democrats	452
Michael Roche	Labour Party	2386
	Spoilt Ballot Papers	25
	Total Votes	3496
	Electorate	10505
	% Turnout	33.28

Phil Porter
Returning Officer

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Agenda Item 12

Report to:	Overview and Scrutiny Committee (Children's Services and Safeguarding) Council	Date of Meeting:	12 March 2024 16 May 2024
Subject:	Review of the Operation and Terms of Reference of the Overview and Scrutiny Committee (Children's Services and Safeguarding)		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Children's Social Care		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To formally present the findings of a review of the Council's Overview and Scrutiny Committee (Children's Services and Safeguarding), together with proposals for amending the Terms of Reference and other requirements of the Committee, within the Constitution.

Recommendation(s):

Overview and Scrutiny Committee (Children's Services and Safeguarding)

That recommendations (1) to (5) set out below be supported and commended to the Council for approval.

Council

That

- (1) changes to membership of the Overview and Scrutiny Committee (Children's Services and Safeguarding) in regard to co-opted members, together with the proposed Terms of Reference for the Overview and Scrutiny Committee (Children's Services and Safeguarding), as set out at Appendix 2, be approved;
- (2) the proposal to establish a Children's Services And Safeguarding Parents/Carers Sub-Committee, as set out at Appendix 3, be approved;
- (3) a Public Question Time period for the Overview and Scrutiny Committee

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(Children's Services and Safeguarding), as set out at Appendix 4, be approved;

- (4) the Council's Constitution be amended by the inclusion of Appendices 2,3 and 4 of the report;
- (5) the proposals be reviewed in twelve months' time.

Reasons for the Recommendation(s):

The Committee has requested a review of the Terms of Reference for the Committee, as set out in the Council's Constitution, to include the use of co-opted members and the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024.

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

Not applicable.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

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

The proposals for an additional panel for the Committee have staffing implications, in terms of officer time, which can be contained within the budget, at the current time.

Legal Implications:

The Terms of Reference for the Committee are set out within the Council's Constitution. The Parent Governor Representatives (England) Regulations 2001. The Local Authorities (Committee System) (England) Regulations 2012.

Equality Implications:

There are no equality implications.

Impact on Children and Young People: Yes

The Committee's remit from the Council is to scrutinise the work and services of Children's Social Care and Education.

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 direct climate emergency implications arising from this report.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The Committee's remit from the Council is to scrutinise the work and services of Children's Social Care and Education.
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: Not applicable.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7556/24) and the Chief Legal and Democratic Officer (LD.5656/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision

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Immediately following the Council meeting.

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

Appendices:

- Appendix 1 – Current Membership and Terms of Reference for the Overview and Scrutiny Committee (Children’s Services and Safeguarding) – extract from the Council’s Constitution;
- Appendix 2 - Proposed Membership and Terms of Reference for the Overview and Scrutiny Committee (Children’s Services and Safeguarding);
- Appendix 3 – Proposed Terms of Reference for the establishment of a Children’s Services and Safeguarding Parents/Carers Sub-Committee; and
- Appendix 4 - Proposed provisions of a Public Question Time for the Overview and Scrutiny Committee (Children’s Services and Safeguarding).

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 At its meeting held on 28 November 2023, the Committee considered the report of the Chief Legal and Democratic Officer proposing a review of the Committee’s Terms of Reference in response to a petition at the meeting held on 26 September. The petition requested representation of a further three independent people on the Committee who they considered had lived experience.
- 1.2 Members also considered that the Terms of Reference within the Council’s Constitution could be streamlined to reflect statutory requirements and the priorities of the Committee.
- 1.3 The Committee resolved that:

"a review of the Terms of Reference for the Committee, as set out in the Council’s Constitution, to include the use of co-opted members and the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken

and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024”.

2. Review Undertaken

- 2.1 Officers have undertaken a review a review of the Terms of Reference for the Committee, as set out in the Council’s Constitution, including the use of co-opted members and the possibility of establishing a sub-committee or other body, to formally meet with parent groups. The findings of the review are set out within paragraphs 3 – 7 below.

3. Current Terms of Reference for the Committee

- 3.1 The Committee’s current Terms of Reference, as included in the Constitution, are set out at **Appendix 1** to this report.
- 3.2 Members had previously considered that the Terms of Reference within the Council’s Constitution could be streamlined to reflect statutory requirements and the priorities of the Committee.

4. Co-Opted Members – Legal and Discretionary Requirements

- 4.1 At the meeting of the Committee held on 26 September 2023, a petition was received that requested representation of a further three independent people on the Committee who had lived experience.
- 4.2 Committee Members met subsequently to consider the request. It was noted that the Committee already had several co-opted members from the Diocese, Archdiocese and Parent Governor Representatives, as required by the Council’s Constitution. In addition, associate members from Healthwatch and an independent advisory member are also on the Committee.
- 4.3 Findings of the review are set out below.

Church Representatives - Legal Requirements

- 4.4 The Local Authorities (Committee System) (England) Regulations 2012 require the Committee to have co-opted members nominated from both the Diocese and the Archdiocese. This requirement is reflected within the Council’s Constitution.

Parent Governor Representatives - Legal Requirements

- 4.5 The Parent Governor Representatives (England) Regulations 2001 require the Committee to have two Parent Governor Representatives. This requirement is reflected within the Council’s Constitution.

Associate Co-Members - Discretionary Requirements

- 4.6 The Committee has previously chosen to have two representatives from Healthwatch Sefton, to provide advice on health-related matters relating to children and young people. The Committee has also previously chosen to retain

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the services of an independent advisory member who was formerly a parent governor representative on the Committee.

Co-opted Members - Twelve Month Rule - Proposal

4.7 Elected Members are required to attend meetings regularly. If they fail to attend a formal meeting over a period of six months, they are automatically disqualified from holding office as a Councillor. It is proposed that all co-opted members will be subject to a twelve-month rule, in that failure to attend a Committee meeting over a period of twelve months will result in disqualification from the Committee. The Chair of the Committee will have discretion to authorise prolonged absence(s).

5. Establishment of a Sub-Committee to Formally Meet With Parent Groups.

5.1 At its meeting held on 28 November 2023, the Committee requested the possibility of establishing a sub-committee to formally meet with parent groups, be undertaken and any proposals for amendments be submitted to the Adjourned Annual Meeting of the Council to be held in May 2024”.

6. Public Question Time

6.1 Committee Members have raised the possibility of having a Question Time period at the start of meetings.

7. Findings and Proposals

Terms of Reference for the Committee - Proposals

7.1. Proposed Terms of Reference within the Council’s Constitution are set out at **Appendix 2** and have been streamlined to reflect statutory requirements and the priorities of the Committee.

Co-Opted Members – Number on the Committee

7.2 The Committee has previously received a request as follows:-

“We wish for the Scrutiny Committee to be increased by a further three independent people who have lived experience, especially those in the crucial Early Years, Primary and Teen years.”

7.3 As the Committee currently has provision for seven co-opted members, it is not proposed that the number of co-opted members is increased at the current time. The Committee has two Parent Governor Representatives and, as previously reported to the Committee, it is considered that this is sufficient representation. This will not curtail the Committee from seeking advice and consulting with other recognised bodies, either on a formal or informal basis.

7.4 Advice has previously been sought from representatives of the Local Government Association (LGA) and as previously reported, they were supportive of the view

that parental representation on the Committee could be achieved via the Parent Governor Representatives.

- 7.5 It is also considered that elected Members bring “lived experience” to the Committee.

Church Representatives – No Change

- 7.6 In view of statutory requirements, no changes are proposed to the requirement to have co-opted members nominated from both the Diocese and the Archdiocese on the Committee.

Parent Governor Representatives – Primary/Secondary School Proposal

- 7.7 In view of statutory requirements, no changes are proposed to the requirement to have two Parent Governor Representatives on the Committee.
- 7.8 In line with statutory requirements, Parent Governor Representatives are normally appointed for a minimum of two years and no change is proposed for this approach.
- 7.9 In line with the practice adopted by other local authorities, it is proposed that in future, one parent governor will represent primary schools and one parent governor will represent secondary schools and/or post-16 education. The proposed Membership of the Committee, as set out at **Appendix 2** incorporates this change.
- 7.10 In line with current arrangements, Parent Governor Representatives (PGR) term of office on the Committee will be subject to their appointment as a Parent Governor of a school and also their child(ren’s) attendance at either a primary or secondary school in the Borough, according to whether the PGR has been appointed as a primary or secondary PGR.

Associate Co-Opted Members – Term of Office Proposal

- 7.11 In line with current work programming for the Committee and with PGR term of office, it is proposed that Associate Members on the Committee will be subject to a two-year term of office. At the conclusion of the two-year term, the Committee will determine whether to seek re-appointment of Associate Members from the nominating body concerned. The proposed Membership of the Committee, as set out at **Appendix 2** incorporates this change.

Proposed Establishment of a Sub-Committee to Formally Meet With Parent Groups.

- 7.12 It is proposed that a Sub-Committee will be established, to include the Chair and Vice-Chair of the Committee, plus 3 other elected Members, to meet with parents and parent groups. Proposed Terms of Reference for the Sub-Committee within the Council’s Constitution are set out at **Appendix 3**. The Sub-Committee may make recommendations to the Committee. This practice will be reviewed in twelve months’ time.

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Proposed Public Question Time at Committee

- 7.13 Committee Members have raised the possibility of having a Question Time period at the start of meetings.
- 7.14 Some local authorities have this facility, although the practice is not widespread amongst Merseyside authorities
- 7.15 It is proposed that the Committee will have a Public Question Time at the start of each meeting. This is not intended to replace the current provision of Petitions within the Constitution. Proposals for inclusion within the Constitution are set out at **Appendix 4**. This practice will be reviewed in twelve months' time.

8. Timescale for the Proposal

- 8.1 If agreed by the Council, the proposals set out within the report would take effect from the commencement of the 2024/25 Municipal Year.

CHILDREN'S SERVICES AND SAFEGUARDING

MEMBERSHIP

10 Councillors, 4 voting church and parent governor representatives.

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Children's Services and Safeguarding and to review and make recommendations for improvement in relation to the following functions:

- School Improvement
- Children's Centres
- Special Educational Needs
- Early Years
- Early help – schools
- Statutory LEA functions
- Education Welfare
- Safeguarding
- Children with disabilities
- Looked after Children
- Fostering and Adoptions
- Family Support Pathway
- Targeted Family Support
- Youth Offending Team
- Post 14 Education

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CHILDREN'S SERVICES AND SAFEGUARDING

MEMBERSHIP

10 Councillors

2 voting Church Representatives:

- 1 church representative nominated by the Roman Catholic Archdiocese of Liverpool;
- 1 church representative from the Church of England Diocese of Liverpool.

2 voting Parent Governor Representatives:

- 1 parent governor representing primary schools;
- 1 parent governor representing secondary schools.

Up to 3 non-voting Associate Co-Opted Members:

Any non-voting associate co-opted members will be subject to a two-year term of office. At the conclusion of the two-year term, the Chair will have discretion to determine whether to seek re-appointment of Associate Co-Opted Members from the recognised nominating body concerned, where possible.

Co-opted members on the Committee will be subject to a twelve-month rule, in that failure to attend a Committee meeting over a period of twelve months will result in disqualification from the Committee. The Chair of the Committee shall have discretion to authorise prolonged absence(s).

TERMS OF REFERENCE

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Children's Services and Safeguarding and to review and make recommendations for improvement in relation to the following functions:

- Children's social care and safeguarding;
- The education of children and young people within the Borough;
- The health and wellbeing of children and young people within the Borough;
- The commissioning and provision of services for children and young people within the Borough;

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APPENDIX 2

- Special Educational Needs and Disabilities
- Early Years



Chapter 6
Overview and Scrutiny Committees

CHILDREN'S SERVICES AND SAFEGUARDING PARENTS/CARERS SUB-COMMITTEE

(5 Members)

Membership to include the Chair and Vice-Chair of the Committee, plus three other elected Members from the Committee.

1. The Sub-Committee shall meet with parents and parent/carer groups, at the discretion of the Chair of the Committee, officers to attend at the discretion of the Chair of the Committee.
2. The Sub-Committee may make recommendations to the Committee.
3. The Sub-Committee shall meet quarterly and advertise meetings via Family Hubs, Schools and the Sefton Parent Carer Forum.

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CHILDREN'S SERVICES AND SAFEGUARDING COMMITTEE

Public Question Time

The Overview and Scrutiny Committee (Children's Services and Safeguarding) will hold a Public Question Time as the first substantive item on agendas at each meeting.

Public Question Time shall be dealt with as follows:-

1. A total of 15 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Overview and Scrutiny Committee (Children's Services and Safeguarding), on matters that fall under the remit of the Committee.
2. Written notice of questions must be provided by 12 noon, 4 working days prior to the date of the meeting to the Committee Support Officer. At any one meeting, no person/organisation may submit more than one question.
3. Questions will be directed to the Chair of the Committee.
4. The Chair of the Committee will retain sole discretion as to the management of public speaking and questions, but normally a total period of 15 minutes will be permitted.
5. One supplementary question (relating to the original question) may be asked by the questioner.
6. Public Question Time is not intended for debate. Issues raised will be responded to either at the meeting or in writing at a later date.
7. The Chair may reject a question if it:
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous or offensive;
 - Is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
 - Requires the disclosure of confidential or exempt information.

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Agenda Item 13

Report to:	Council	Date of Meeting:	Thursday 16 May 2024
Subject:	Protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside		
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 agree the attached revised protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside.

Recommendation(s):

That the revised Protocol for Joint Health Scrutiny Arrangements for Cheshire and Merseyside, as attached to the report, be approved.

Reasons for the Recommendation(s):

The Protocol has been revised to take into account recent statutory changes and requires approval by all nine local authorities across Cheshire and Merseyside.

Health scrutiny regulations require the establishment of joint health scrutiny committees where more than one local authority's health scrutiny arrangements consider a proposed change or development in NHS services to be "substantial" in terms of the impact on its area.

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

None. The revised protocol requires approval. Refusal to approve the revised protocol could result in difficulties for Sefton Council representatives to be part of joint health arrangements, particularly if other Cheshire and Merseyside local authorities agree the protocol.

What will it cost and how will it be financed?

(A) Revenue Costs

None. There are no costs associated with adoption of the revised Protocol.

(B) Capital Costs

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None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): There are no resource implications								
Legal Implications: <ul style="list-style-type: none">• 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. <p>This is supplemented by relevant guidance:</p> <ul style="list-style-type: none">• Local Authority Health Scrutiny (DHSC, updated 2024)• Statutory guidance: “Reconfiguring NHS services – ministerial intervention powers” (DHSC, 2024).								
Equality Implications: There are no equality implications.								
Impact on Children and Young People: Not directly It is feasible that any future substantial variations could impact on health arrangements for children and young people.								
Climate Emergency Implications: The recommendations within this report will <table border="1"><tr><td>Have a positive impact</td><td>No</td></tr><tr><td>Have a neutral impact</td><td>Yes</td></tr><tr><td>Have a negative impact</td><td>No</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Yes</td></tr></table> There are no direct climate emergency implications arising as a result of the report.	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
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							

Contribution to the Council’s Core Purpose:

Protect the most vulnerable: Agreeing the protocol will ensure that any future considerations of substantial health variations that impact on Sefton residents will be taken into account.
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: As above.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7634/24) and the Chief Legal and Democratic Officer (LD.5734/24) have been consulted and any comments have been incorporated into the report.

The revised protocol has been provided to the following, via email:-

- Executive Director of Adult Social Care and Health
- The Chair and Vice-Chair of the Overview and Scrutiny Committee (Adult Social Care and Health 2023/24)

(B) External Consultations

Discussions have taken place between officers responsible for health scrutiny arrangements across Cheshire and Merseyside.

The Monitoring Officer for the Council has been consulted on the revised Protocol.

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:

The following appendix is attached to this report:

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- Revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Where health providers, such as NHS Hospital Trusts, propose changes in the provision of service(s), health providers are obliged to consult with local health overview and scrutiny committees as to whether the changes are deemed to be “substantial”.
- 1.2 The term “substantial” is not defined in legislation. However, it is generally considered that a substantial change or variation to a health service is one that has a major impact on services experienced by patients and/or future patients. In considering whether a proposal is substantial, 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.
 - 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, e.g. 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.
- 1.3 Where a proposal impacts on more than one local authority area, there is a requirement for local authorities to form a joint health scrutiny committee, to consider the proposals in detail and, where appropriate, to make recommendations.
- 1.4 There are nine local authority areas across Cheshire and Merseyside, as follows:-
 - 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

1.5 In 2014, a protocol was developed for joint health scrutiny arrangements and all nine local authorities agreed the protocol.

2. Matters for Consideration

2.1 Recent health scrutiny guidance statutorily removed the reference for referrals on substantial variations to be made to the Secretary of State. This has necessitated the requirement for the protocol to be revised and for it to be approved by all nine local authority areas across Cheshire and Merseyside. Some text has also been added to the protocol on the ability to request a “call-in” by the Health Secretary.

2.2 Once agreed by all nine local authority areas across Cheshire and Merseyside, the revised protocol will be made available within the Library of Documents, on the Council’s website

2.3 A link to the Protocol is provided within the Council’s Executive / Scrutiny Protocol, as referred to in Chapter 6 of the Council’s Constitution, and the link may require updating.

2.4 In order for Sefton to continue to play a role in joint health scrutiny arrangements, it is recommended that the Council approve the attached revised Protocol for the Establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside.

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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.

This is supplemented by relevant guidance:

- Local Authority Health Scrutiny (DHSC, updated 2024)
- Statutory guidance: “Reconfiguring NHS services – ministerial intervention powers” (DHSC, 2024).

2.2 In summary, the statutory framework authorises local authorities individually and collectively 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. 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.
- 2.5 Whilst it is recognised that the previous power of a health scrutiny committee or joint health scrutiny committee to refer a service change proposal to the Secretary of State for Health and Social Care has been removed, such committees will now possess the ability to request formally that the Secretary of State "call-in" a service change proposal. The ability to "call-in" a proposal should only be used in exceptional circumstances where all efforts to resolve issues locally have been exhausted.

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 (outcome-focussed);
- To ensure that scrutiny activity adopts an appropriate balance between a focus on future service delivery and a focus on responding to immediate concerns/ issues (balanced)
- To represent the views of local people and ensure that these views are identified and integrated into local health service plans, services and commissioning (inclusive);
- 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 (evidence-informed); 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 (collaborative).

5. SUBSTANTIAL DEVELOPMENT OF /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.

¹ This includes NHS England 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.

- 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 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.. 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.
- *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

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

³ Section 24 *ibid*

formally consulted on the proposal and, in exceptional circumstances, formally request that the Secretary of State to “call-in” a proposal, where local consultation has failed to resolve significant outstanding issues.

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
- 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.

6.2.2 A joint health overview and scrutiny committee has the ability to request the Secretary of State to “call-in” a service change proposal where it has not been possible to resolve significant outstanding issues during the course of local consultation. The ability to request the “call-in” of a proposal should only be exercised in exceptional circumstances where all possible efforts to resolve the matter locally have been exhausted, as outlined in 6.2.3 and 6.2.4 below.

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.

6.2.4 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.

6.2.5 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.

6.2.5 An ad-hoc 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 'substantial'	No' of elected members to be nominated from each 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 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.

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 aims to reach its final conclusion on the proposal – which should be in advance of the proposed date by which the NHS commissioning body/service provider intends to make its final decision on it.

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.
- 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.

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 would not have the ability to request the Secretary of State for Health and Social Care "call-in" a service change proposal. 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 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 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.