COUNCIL – 15 JULY 2021

QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

1. **<u>Question submitted by Councillor Shaw to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)</u>**

Subject: Southport Walking and Cycling Routes and School Streets

The agenda for the Public Engagement and Consultation Panel meeting held 15 January 2021 included the following item:

"Proposal to undertake Public Engagement and Consultation Activity - Southport Walking and Cycling Routes and School Streets (Active Travel Tranche 2)"

However, this item was removed from the agenda very shortly before the meeting took place.

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The consultation to which this item refers started in May 2021 and is currently ongoing.

I wish to ask the Cabinet Member the following:

1. Why was this item withdrawn from the agenda of the January Panel meeting?
2. Was the matter brought back to a subsequent Panel meeting, and if not, why not?

Response:

1. "The item was withdrawn from the Agenda, to allow further time to discuss the matter with the Cabinet Member Locality services. Subsequently a decision was taken to defer the consultation until after the Local elections, avoiding the difficulties of consulting on the issue during Purdah.

   As required in the Active Travel Fund Tranche 2 Grant Award letter, the Consultation Strategy for the Active Travel Fund Tranche 2 was published in December 2020 on the Sefton Council website and the Liverpool City Region Combined Authority's website https://www.liverpoolcityregion-ca.gov.uk/lcr-consultation-strategy-for-active-travel-fund-tranche-2/"

2. "The matter was not brought back to a subsequent meeting of the Panel, prior to consultation commencing, due to the decision to defer the consultation until after the Local Elections and the timing of scheduled Panel meetings. The outcome of the consultation will be reported to a future Public Engagement and Consultation Panel."

2. **<u>Question submitted by Councillor Killen to the Cabinet Member for Communities and Housing (Councillor Hardy)</u>**

Subject: Traveller Encampments

There was a traveller encampment on Deansgate Lane playing fields in Formby for six days from July 5 to 11. A lock was broken and wooden stumps cut down in order to gain entry to the field. Council officers moved immediately the next day to begin eviction proceedings and progressed this as quickly as possible. Thank you to officers for their liaison with members, and the public, during this time. Thank you as well to the police who responded to calls from the public reporting the riding of quad bikes and motorbikes on the field, and made other visits where resources allowed. A quad bike was seized on Sunday which showed the police using the powers they have to address unacceptable behaviour by any resident of the Borough. What assurance can you give that we as a council use all the powers we have at our disposal to deal with traveller encampments in a way that is fair to the travelling community and the residents living nearby?

Response:

“The Local Authority has powers of removal of travellers subject to <u>Section 77 and Section 78 of the Criminal Justice Public Order Act 1994</u> (the Police have separate powers under Section 61, although they would have to separately advise on the detail and rationale for their use). The process is complex, but worth detailing the main points of the chronology that Sefton Council would follow to demonstrate how the needs of multiple parties are taken into account, and importantly, in line with legislative framework and Government guidance:

- Upon receipt of complaint of incursion, the Council considers the provisions of the Sefton Joint Agency agreement for Responding to and Support Unauthorised Gypsy and Traveller Encampments. This includes notifying all relevant persons on the contact list to ensure that the relevant welfare enquiries are addressed.
- Identify land ownership, if Council owned, establish relevant landowning department (if not we can carry out works on behalf of the landowner if they wish).
- The Council Co-Ordinator is to provide pro forma (Merseyside Gypsy & Traveller Unauthorised Site Visit Form) confirming that all welfare enquiries have been made and that no issues exist. A site risk assessment will also be completed at this time, as well as the commencement of an "Activity log"- this welfare requirement is set out in government guidance and in order to comply with the Human Rights act , it is a necessity .
- Before any eviction action is taken against Gypsies and Travellers residing on unauthorised encampments by a local authority there is a requirement that welfare enquiries are undertaken and that the authority considers whether those enquiries have revealed circumstances which warrant further examination or lead to the conclusion that the eviction should be postponed.

- If a decision is made that the encampment is unauthorised and will not be tolerated, Corporate Legal Services Department is instructed to have the S.77 Notice drawn up. This will be served by a Bailiff on vehicles and caravans upon the land as well as posting notices at the location of access and egress from the site.

- If the Travellers do not leave by a reasonable period (hours) then Legal Services will be instructed to request a court hearing for removal as soon as possible (Legal Services will then telephone the court listing office and If there is an available court time / date for an application for an order for removal then the case can be listed. The legal Services then prepare a Section 78 draft order for the court and complete a Complaint and send to the court to be issued along with the requisite fee .
- The court then consider whether to endorse the summons (which may take some time as they have to wait for a court officer to come out of court to sign the document).
- When the Summons is endorsed, Legal Services provide documentation to the Bailiff who will then serve the summons on the same vehicles – this gives the travellers the opportunity to attend the court hearing if they do not want to be moved on . The court papers must be served no less than 24 hours before the hearing .
- The legal officer then attends court in order to obtain the order for removal under section 78 - the legal officer must alert the court to the fact that a welfare check has been carried out and whether there were welfare issues raised .
- If the order for removal is granted, the Travellers are given 24 hours to remove their vehicles from the site.
- if they do not remove their vehicles, then officers utilise council vehicles if available or if not other commercial removal companies in order to remove the vehicles on site. The Police are called to assist in these circumstances.
- This process is undertaken as expediently as possible, to take account of the needs and to be fair to all parties affected.
- It should be noted that if a local authority or other public body fails to comply with the Government Guidance, and/or with the principles laid down in case law then a decision to evict may be susceptible to challenge by way of an application for judicial review.

Notwithstanding the above, there are a series of further guidance documents, legal judgements and legal protections which further impact upon the requirements for welfare and particularly children. The non-G&T community are understandably not always cognisant of these, and this unfamiliarity will frequently lead to false information, perceptions of slow action by public bodies and wider community frustrations.

Article 8 of the European Convention on Human Rights (the Convention) gives everyone the right to respect for their private and family life and their home.

In Chapman v United Kingdom (27238/95) (2001) 33 E.H.R.R. 18, the European Court of Human Rights held that art.8 also imposed a positive obligation on the State to facilitate the Gypsy and Traveller way of life:

> ***‘96.The vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases … To this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the gypsy way life’.***

Public bodies must take account of the rights protected by art.8 of the Convention when deciding whether or not to evict Gypsies and Travellers from an unauthorised encampment and must act proportionately. It follows that it is possible to rely upon an alleged breach of art.8 as a defence to a claim for possession action brought by a public body against Gypsies and Travellers or as a ground for seeking judicial review of a decision to evict.

Best interests of the child

Numerous reports have demonstrated that Gypsies and Travellers suffer poor health when compared with the rest of society and that their children have the lowest levels of educational attainment in our schools. The shortage of authorised sites and the discrimination suffered by the Gypsy and Traveller communities has a direct bearing upon their health and the levels of educational achievement that their children can attain at school. Families living on unauthorised encampments often face considerable difficulties when trying to obtain appropriate healthcare provision and when attempting to admit their children into local schools; and any success in either regard will be destroyed when families are needlessly evicted without being offered suitable alternative accommodation.

On an international level children are protected by art.3(1) of the United Nations Convention on the Rights of the Child ("UNCRC") which states that: *‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary considerati*on’

The case of ZH (Tanzania) v Secretary of State for the Home Department [2011] UKSC 4; [2011] 2 A.C. 166 is the leading judgment on the way in which judges and decision-makers in the United Kingdom should treat the best interests of children likely to be affected by their decisions. In ZH (Tanzania) Baroness Hale referred to the UN Guidelines which explain that "best interests" are not just about health and education and she stated that when considering art.8 of the Convention in any case in which the rights of a child are involved, the best interests of the child must be "a primary consideration".

Those principles should equally apply to Gypsy and Traveller cases where a decision is likely to affect a child. That point has been accepted in a number of cases concerned with the grant of planning permission for Gypsy and Travellers sites (Stevens v Secretary of State for Communities and Local Government [2013] EWHC 792 (Admin); [2013] 2 E.G.L.R. 145).

They are therefore just as relevant to decisions concerning the management of unauthorised encampments. Thus, public bodies must treat the best interests of children living on an unauthorised encampment as a primary consideration and no other consideration must be regarded as inherently more important than the best interests of any child. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as s/he examines all relevant considerations and when considering any decision that might be taken, s/he must assess whether the adverse impact of such a decision on the interests of the child is proportionate.

Common law powers of eviction

There are common law powers of eviction which landowners can use to remove trespassers from land. These powers involve the use of no more force than is "reasonably necessary" and can be applied even without a court order. The ODPM Guidance on Managing Unauthorised Camping (2004) indicates that local authorities should not use their common law powers to evict unauthorised encampments but should, instead, use eviction procedures which involve court action- as set out above .

Possession proceedings

A local authority, other public authority or a private landowner can issue a claim for possession against the occupiers of an unauthorised encampment on their land in the County Court using the procedure laid down in the Civil Procedure Rules 1998/3132 Pt 55. At least 2 clear days' notice of the hearing must be given to the Gypsies or Travellers concerned- this process would take longer and be more expensive and is not recommended for those reasons.

Regarding Injunctions in the recent case of Barking and Dagenham LBC v Persons Unknown[2021] EWHC 1201 (QB) - the judge ruled as set out below:

> **'*There were grounds to suspect that, in a significant number of applications for interim injunctions, there were material and serious breaches of the procedural requirements and the procedures of the court had been abused. A significant number of the cohort claims were allowed to go to sleep following the grant of an interim injunction, and no local authority, which had been granted a traveller injunction, had returned the claims to court for reconsideration following the decisions of Bromley LBC v Persons Unknown [2020] EWCA Civ 12, [2020] 4 All E.R. 114, [2020] 1 WLUK 110 and Canada Goose'.***

The experience in the cohort claims demonstrated that the court needed to adopt measures to ensure that "Persons Unknown" injunctions were only granted in appropriate cases and were subject to proper safeguards. Based on the procedure for claims for interim non-disclosure orders, and reflecting the existing authorities, claims against "Persons Unknown" should be subject to safeguards .

In an earlier case of The London Borough of Bromley v Persons Unknown (Rev 3) [2020] EWCA Civ 12 (21 January 2020) Lord Justice Coulson's comments are below:

> '***there is an inescapable tension between the article 8 rights of the Gypsy and Traveller Community … and the common law of trespass. The obvious solution is the provision of more designated transit sites for the Gypsy and Traveller community … The reality is that, without such sites, unauthorised encampments will continue and attempts to prevent them may very well put the local authorities concerned in breach of the Convention***.'

He then provided the following general guidance:

> '***Existing government guidance suggests that unauthorised encampments should not be closed down, save as a last resort and where there are specific reasons for doing so. Credible evidence of criminal conduct in the past, and/or likely risks to health and safety are important if a local authority wishes to obtain a wide injunction. Injunctions designed to prevent and entry and encampment only, without evidence of such matters, should be more difficult to obtain.***
> ***Local authorities should regularly engage with the Romany and Traveller community. The process of dialogue and communication should avoid the need for injunctions closing down encampments. Where it is, nevertheless, considered that an injunction is required, welfare assessments should be carried out, particularly in relation to children. Further, an up to date Equality Impact Assessment should be completed.***
> ***The vulnerability and protected status of the Romany and Traveller community, as well as the integral role that the nomadic lifestyle plays as part of their ethnic identities, will be given weight in any assessment as to the proportionality of an injunction or eviction measure. Local authorities must demonstrate understanding and respect for the community's culture, traditions and practice. This will usually require some positive action on the part of the local authority to consider the circumstances in which the article 8 rights of the community are capable of being realised.***
> ***Local authorities may be required to demonstrate they have complied with their general obligations to provide sufficient accommodation and transit sites for the Romany and Traveller community. Where injunctions are sought, evidence should be provided of other suitable and secure alternative housing or transit sites that are reasonably available. Where there is no alternative site, nor a proposal for such a site, that may weigh significantly against the granting of the order.***
> ***Borough-wide injunctions are very unlikely to be proportionate. So too are lengthy injunctions, such as the five-year injunction sought in Bromley.***
> ***It is not sufficient to say the Romany and Traveller community can "go elsewhere" or occupy private land.***

The court, in considering an application for an injunction, will have careful regard to the cumulative effect of other injunctions. Finally, it must be recognised that the cases referred to above make plain that the Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another. An injunction which prevents them from stopping at all in a defined part of the UK comprises a potential breach of both the Convention and the Equality Act, and in future should only be sought when, having taken all the steps noted above, a local authority reaches the considered view that there is no other solution to the particular problems that have arisen or are imminently likely to arise.'

In relation to the Deansgate Lane Formby case, a series of welfare issues were raised/identified initially, the Council acting appropriately and within the government guidance and utilised all of the legislation relevant and available in an expedient and cost-effective manner".

3. **<u>Question submitted by Sir Ron Watson CBE to the Leader of the Council and Chair of the Cabinet (Councillor Maher)</u>**

Subject: Bootle New Strand Shopping Centre

Sefton Council has welcomed a number of new Members following on from the elections in May and from all parts of the borough.

Whilst they have undertaken a familiarisation and training programme they cannot be expected to have details of all the issues confronting the Council and where The Strand represents a very high priority.

To assist them and to all other Members from all Parties who have largely been excluded from the decision-making process will the Leader of the Council please provide the following:-

(i) Would the Leader of the Council confirm the rationale behind the borrowing requirement to fund the purchase of The Strand and include the actual capital figure paid?

(ii) Will he confirm the annual cost to council tax payers of the subsequent debt, the length of debt repayment, the interest rate charged and the final total amount including these factors to be paid?

(iii) Would he confirm the last capital valuation and what would the figures be under the previous questions had the repayments been based on this figure?

(iv) At the end of the first financial year The Strand was shown as having made a 'profit' of £1m.

Will the Leader of the Council confirm that by March 2020 the figure for that financial year was being shown as £30,000 and this was well before any impact of Covid would have taken effect?

(v) Would he confirm that projections by the Finance Department were not made public clearly indicated that projections for 2020/2021 forecast a significant annual loss that would have to be made by the council tax payer in direct contradiction of the original intention that the whole Strand project was to be an ongoing annual income generating project?

(vi) Will the Leader of the Council confirm that The Strand represents the only situation throughout the whole of Sefton that was based on a commercial financial return and that other facilities such as The Atkinson and The Dunes Complex were to be provided using public subsidy?

(vii) What updated financial consequences post Covid are currently available and what are the total losses now attributed up to the period 2023/2024?

Will he advise if the subsidy required from the council tax payer is currently in the region of £3,336,000 and will he advise how this is to be funded?

Will he confirm that as the decisions on The Strand were purely the responsibility of Sefton Council there will be no additional funding from the taxpayer on a national basis to meet the now inevitable losses?
(viii) Has any attempt been made to ascertain the current value of the site and has there been any consideration of other developments that could be considered as part of an overall scheme including those elements that will receive capital funding but no revenue from the Liverpool City Region?

(ix) Councillors were advised prior to Covid that in view of the rapidly deteriorating revenue financial situation approaches were to be made to other public sector bodies such as the NHS to ascertain if they would be prepared to occupy commercial retail space in The Strand and whether or not there are any results to report to Councillors?

(x) To what extent have there been any consideration of the whole of this part of Bootle for a redevelopment programme that would retain commercial elements which would benefit the local population in particular but which would in some degree mitigate the annual costs to the council tax payer that have currently been identified without being able to fully ascertain how long the financial burden will continue in direct contradiction to the principle original justification for the purchase of The Strand?

Response:

(i) “The shopping centre was purchased for regeneration purposes and as a result was a capital acquisition. As a result, the council borrowed the required funding for the transaction. As has been previously reported to members, the council has a legal obligation not to disclose the price paid.

(ii) As per the previous question the council has a legal obligation not to disclose the purchase price of the asset. The capital raised for the purchase was from the Public works loan board, as an annuity loan for a period of 25 years at an interest rate of 2.22%.

(iii) The last valuation of the Strand reported to members of Audit and Governance committee was as at 31 March 2020 (for the financial year 2019/20) and this was £21.450m. The asset value for the year ending 31 March 2021 (for the financial year 2020/21) will be reported to Audit and Governance committee as part of the draft accounts for that year at the meeting on 15th September 2021. As the Council cannot legally disclose the purchase price of the asset this question cannot be answered.

(iv) The asset made a surplus for the financial year 2019/20 of £30,000.

(v) As members will be aware, the pandemic has fundamentally changed all financial forecasts for landlords during the last 16 months. During 2020/21 due to uncertainty of restrictions and the ability to pursue rents and service charges due it was not possible to forecast accurately the financial impact. Cabinet received a report in February 2021 outlining the potential financial impact for the year and these financial estimates are in the public domain.

(vi) The Strand was purchased for regeneration purposes and not as a commercial investment. The Atkinson and Dunes, as valuable assets, are supported financially by the Council.

(vii) The latest Business Plan for the period from 2021/22 to 2023/24 was published in full for June's Cabinet meeting. With regard to central government support there is no direct grant or income compensation scheme that will be used for the Strand- the financial implications will be met within the council's core revenue budget or an un-ringfenced grant should that be available.

(viii) The council is progressing with the strategy for the future of Bootle, including but not limited to the town centre and including but not limited to The Strand. This process includes discussions with all current and potential stakeholders in Bootle. Engagement with the Liverpool City Region Combined Authority continues in respect of Bootle, as well as opportunity elsewhere in Sefton.

(ix) Work is constant to ensure occupation of vacant units in The Strand, and this includes discussions with potential occupiers in the healthcare and other public sectors. These negotiations are commercially sensitive and confidential at this juncture.

(x) As above, the acquisition of The Strand was for regeneration purposes. Also, as above, the council is progressing with the strategy for the future of Bootle, including but not limited to the town centre and including but not limited to The Strand."

4. **<u>Question submitted by Councillor Brough to the Leader of the Council (Councillor Maher)</u>**

Subject: Boundary Commission Report

Will the Leader of the Council advise what process the Council is adopting towards the Boundary Commission's preliminary proposals to remove Ainsdale Ward from the Southport Parliamentary Constituency to which it has belonged since the Constituency was first formed in 1918 (103 years).

Response:

"I would refer Councillor Brough to the Council agenda where he will see that Cllr Myers has a motion covering this very point and, if passed by Council, that will represent the Council's view on the issue."

5. **<u>Question submitted by Councillor Brough to the Cabinet Member for Locality Services (Councillor Fairclough)</u>**

Subject: Cycle Lanes

Will the Cabinet Member confirm that if the consultation process confirms that the majority opinion is against the schemes as proposed will he guarantee that this will be accepted and no attempt will be made to circumvent the consultation outcome?

Response:

"All responses to the consultation will be properly considered in determining what action the Council takes on each of the proposed schemes. For any schemes funded through the Active Travel Tranche 2 funding, we are required to confirm to the DfT that the Council has 'consulted all key local stakeholders, obtained broad support for our schemes submitted under the Emergency Active Travel Fund and implemented a clear communications plan to deal with any dissenting views'".

6. **<u>Question submitted by Councillor Sir Ron Watson CBE to the Cabinet Member for Adult Social Care (Councillor Cummins)</u>**

Subject: Residents with Limb Disabilities

The Cabinet Member for Adult Social Care instructed his Members to vote against a Notice of Motion concerning residents with limb disabilities, most notably those without arms, for whom special facilities in relation to toilets can be provided on the grounds that the Council had the matter under control and no special needs had been identified.

(i) Would he agree that it is now clear the Sefton does not have any figures for the number of people living in the borough who suffer from the major disability concerned?

(ii) In these circumstances will he now reconsider his decision and will he agree to the terms of the original Notice of Motion to provide the help to this section of our community in Sefton?

Response:

"Cllr Cummins is currently away on holiday so a written response will follow on his return."

7. **<u>Question submitted by Councillor Brough to the Leader of the Council (Councillor Maher)</u>**

Subject: Boundary Commission Report

Will the Leader of the Council endorse an all-Party submission to be lodged to challenge the Boundary Commission's proposal to remove the Ward of Ainsdale from the Southport Constituency and would he agree that coterminous Parliamentary and Local Government boundaries are in the public interest?

Response:

"Whether or not an "all-party" submission were to be made would be the result of a political discussion and, as such, is outside the remit of this Council. To-date, no such discussion has been initiated".

8. **<u>Question submitted by Councillor Brough to the Cabinet Member for Locality Services (Councillor Fairclough)</u>**

Subject: Cycle Lanes

Will the Cabinet Member please advise how much has been provisionally allocated for repairs and maintenance on an annual basis and will he confirm that no source of exterior funding is available for this purpose?

Response:

"There is no specific allocation for repairs and maintenance of cycle lanes. They form part of the adopted highway and are subject to the same inspection and repair regime as all other areas of the adopted highway, be they on the carriageway or footway. External funding for the installation of cycle lanes does not typically include funding for ongoing maintenance. We may be able to use some occasional external funding (e.g. pothole funding) for repair and maintenance on cycle lanes, as part of the adopted highway, subject to prioritisation based on need".

9. **<u>Question submitted by Councillor Brough to the Leader of the Council (Councillor Maher)</u>**

Subject: Accessible Information Awareness Course

All Elected Members of the Council have recently been informed that it is now a mandatory requirement to undertake the course of Accessible Information.

Does the Leader of the Council agree that this course has been designed for Council employees and not for Councillors? i.e. one of the questions asks what response you would give to a request from a Councillor.

Will the Leader accept that a section at the end of the course following on from the 'exam' enabling comments to be made by the participant and that this in turn would be advantageous to all concerned?

Response:

"The course Councillor Brough is referring to is the Information Compliance, Sharing and Guarding course, not Accessible Information; this is a different course.

This course was designed to be generic training, applicable at all levels across Sefton Council, and so the content needed to reflect all of the relevant areas that delegates may need to know. This included Subject Access Requests, Sharing Information and dealing with enquiries from Councillors.

For some members of staff who deal with enquiries from Councillors, it was important that this section was included. However, we appreciate that this is not as applicable as it is the Councillor making the request. This section could be useful for Councillors to know the information Officers check in order to respond to their enquiry.

Some of the questions asked within the feedback form part of the response that our Data Protection Officer has to include, on an annual basis within the Data Security and Protection Toolkit, which is why there is not an opportunity to provide comments within the Information Compliance eLearning module. The Toolkit forms part of a framework for assuring that organisations are implementing the ten data security standards published by the Department of Health and Social Care, NHS England and NHS Improvement; and that we are meeting our statutory obligations on data protection and data security. However, any delegate can email training.services@sefton.gov.uk with any feedback, comments or suggestions on any part of the course".

10. **Question submitted by Councillor Brough to the Leader of the Council (Councillor Maher)**

Subject: Courses

Will the Leader of the Council advise the cost of the implementation of the overall programme and does he agree that as there are in the region of 100 separate courses identified that can be accessed does in itself represent an unnecessary wasteful burden on the Council's budget and staff resources?

Response:

"For context, the Local Government Association (LGA) undertook a Peer Review with Sefton Council in 2018. The review identified that training provision for Councillors was lacking and that a programme of courses should be developed for Members. This led to the development of the Member Development Handbook.

There are 25 courses listed in the Member Development Handbook. Though some of these courses were offered more than once to give members the opportunity to attend on alternative dates.

Only one of the 25 courses in the Member Development Handbook was commissioned externally, namely, Overview and Scrutiny training on 27th May 2021, which was run by the Centre for Public Scrutiny (CfPS) at a cost of £600.

The 100 courses you refer to are listed on Me Learning (the Council's Learning Management System for booking training courses). Me Learning was set up to provide a platform to host classroom/virtual classroom and eLearning courses, primarily for Council staff, however, it was felt that some of the courses would be of interest to Councillors and was, therefore, made available to Members **if** they wished to attend.

I think it is important to note that the vast majority of training courses are delivered in-house by highly skilled and experienced Learning and Development Officers, who are employed by the Council to design, develop and deliver relevant training courses to meet mandatory, statutory and best practice requirements for employees and Elected Members. This represents excellent value for money, as this approach means the Council does not have to commission external training providers to deliver its courses. However, from time to time, we do commission external training providers who have specialist expertise, knowledge and experience that might not be available in-house".

11. **Question submitted by Councillor Brough to the Leader of the Council (Councillor Maher)**

Subject: Location of Council Meetings

(i) Will the Leader of the Council please explain the rationale behind selecting Aintree Racecourse for the last full meeting of the Council?

(ii) Will the Leader of the Council now advise why Chesterfield High School is to be used and are there any costs involved?

(iii) What consideration was given to the use of the Council Chamber and the public area at Bootle Town Hall with a video link through to the Assembly Room or the Ball Room to ensure the appropriate social distancing requirements?

(iv) Will the Leader of the Council explain why the Leaders of the Political Groups were told that they could not use the rooms allocated to their Groups in both Southport and Bootle Town Halls for Caucus Meetings and why was an email sent out at 6.30 p.m. on Monday then setting out a criteria confirming that the rooms could in fact be used?

This has resulted in a considerable degree of inconvenience and confusion with contradictory statements being made within a very short period of time.

Response:

(i) "The Coronavirus Legislation for remote Meetings ended on 7 May 2021. This meant that Council meetings were required to be held physically.

There was and is a requirement to hold Council meetings adhering to the Covid-19 Government Guidance in relation to Covid safe meetings. Covid safe meetings require every Member, Officer and Member of the Public in attendance to sit 2 metres apart, there are other mitigations that are required to be in place such as: requesting Members, Officers and attendees to take a lateral flow test before attending a Council building or attendance at a meeting, ample air ventilation, a sufficient space/walkway around the meeting room, hand sanitizers being available, the wearing of masks whilst walking around the meeting room (provided one is not exempt), no gathering before or after a meeting, ensuring a seating plan is available and a register of those in attendance for track and trace purposes.

In consultation with the Council's Director of Public Health and her team Officers determined which Council Meeting rooms where to be used for each Committee Meeting based on membership numbers, officer attendance and public attendance. It soon became apparent that there isn't a room big enough within either of the Town Hall's or Council owned building to hold a Covid safe Council meeting based on a maximum of 85 individuals and so arrangements were made to hold the Meeting at Aintree. When making the booking at Aintree it was anticipated that it would only be required for one council meeting and officers were familiar with the arrangements at Aintree having used the venue many times for the elections. All members were given notice of the change to the normal venue for the Council meeting and no objections were received.

(ii) The Democratic Services Manager liaised with the Interim Head of Communities in relation to the use of a Sefton Council Leisure Centre unfortunately one wasn't available and so the next best option was to approach colleagues in Education Excellence to look at the option of a suitable Sports Hall within a School. Chesterfield School was available and willing to help and was the most cost-effective option given that there are no Council meeting rooms big enough to hold a Covid safe Council meeting. The school can safely meet all the requirements as set out in answer (i) above. Furthermore, the date of this meeting is during the Summer break, this wasn't the case in May when the Council met at Aintree.

The cost of the meeting is £1372.70p and that covers the cost of room hire, setting up costs, school staff Members, Sound Engineer on site with equipment and van hire to transport the stage.

(iii) The Council considered the use of a video link as stated above but the Legislation requires Members to be physically present in the same room when making decsions and so a hybrid approach wasn't an option given the decision of the Government not to extend the Coronavirus Legislation in relation to remote meetings beyond 7 May 2021. There is simply not enough room for all members and required officers to be in either Council Chamber at the same time and socially distanced.

(iv) Members will appreciate that Covid guidance is constantly changing and officers, having regard to guidance from the Health and Safety Executive in carrying out their roles, robustly thought it only right and proper to check that Political Groups were able to meet safely adhering to the most recent guidance circulated. There was a thought that it might be more appropriate for internal meetings to be held remotely using Teams which would be a safer measure all around."