



COUNCIL

Monday 21, March 2022

TITLE:	HONORARY FREEDOM OF THE BOROUGH (POSTHUMOUS AWARD) - HILLSBOROUGH'S 97TH VICTIM, ANDREW DEVINE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

REPORT SUMMARY

Under the Local Government Act 1972, the Council has the power to grant the title of Honorary Freeman or Freewoman of the Borough to persons of distinction who have rendered eminent Service to the Borough.

As a result of Mr Andre Rebello, Coroner's announcement of unlawful killing recorded at Liverpool Coroner's Court, Andrew Devine, who sadly passed away on 28 July 2021 aged 55, became legally the 97th victim of the tragedy.

In April 1989, 96 football fans, including 9 from Wirral, travelled to Sheffield to watch a football match and never returned. The tragic events at Hillsborough and the ongoing fight for justice for nearly 30 years demonstrated the need to recognise and never forget the 96 fans who lost their lives.

In 2017, Freedom of the Borough of Wirral was (posthumously) awarded to the 96. It is recommended that Andrew Devine and family should be similarly honoured.

This is a very significant step for the Council to take. Very few people have been awarded this status.

Past recipients of this award are:

1993	Lt. Commander Ian Fraser, VC
1996	Mr. Joseph Lynch, GC, BEM (GAL)
2005	Mr. Ray Holmes
2006	The Right Reverend David Urquhart
2006	Lord Chan of Oxton
2010	Mr. Stephen Maddox, OBE
2016	PC David Phillips
2017	The Hillsborough 96
2019	Doctor Nunzia Bertali
2019	2nd Lt. Jay Frederick Simpson USAF
2022	Baron Frank Field of Birkenhead

A scroll will be presented to a family representative by the Mayor.

RECOMMENDATIONS

It is recommended to the Council that:

- (1) in pursuance of the provisions of Section 249 (5) of the Local Government Act 1972 and in recognition of the tragic loss of life and earlier recognition for the 96 Liverpool fans who died, that Andrew Devine also be posthumously admitted as Honorary Freeman of this Borough at an Extraordinary Council Meeting to be held on 16 February 2022 having similarly lost his life as a direct result of the same tragedy 32 years later; and
- (2) officers be requested to take all the necessary actions associated with (1) above and arrange for a small civic reception for family representatives of Andrew Devine and some invited guests on a mutually agreeable date following the extraordinary meeting of Council.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 On 15 April 1989 thousands of Liverpool fans made their journey across the Pennines to watch their football team play in an FA Cup Semi-Final. 96 of those fans did not come home. 9 of those fans were from Wirral. The tragic events at Hillsborough unfolded for the world to see but it was only in April 2016 that the outcome of the inquests were finally made public and the world now knows that the 96 were unlawfully killed and all fans have been completely exonerated from any blame. In discussions with the Mayor, the then Leader of Council. Councillor Phil Davies, believed it was right for this Borough to mark the heroic fight which overturned the huge miscarriage of justice but also to remember, and never forget, the 96 who lost their lives.
- 1.2 The families of the 96 had campaigned for justice for nearly 30 years and Wirral Borough Council, at an extraordinary meeting of Council held on 15 September 2017 bestowed upon their family members, the Freedom of the Borough.
- 1.3 This honour is now to be bestowed upon the family of Andrew Devine, who sadly passed away on 28 July 2021 aged 55, becoming the 97th victim of the tragedy.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 Liverpool coroner, Mr Andre Rebello ruled that Andrew Devine, 55, who died 32 years after suffering severe and irreversible brain damage at Hillsborough in 1989, was unlawfully killed, and that therefore he was legally the 97th victim of the disaster. Andrew died on 27 July 2021, aged 55.
- 3.2 Andrew Devine was badly hurt in the tragedy at the FA Cup semi-final on 15 April 1989. He spent the rest of his life in a wheelchair and needed constant professional care.
- 3.3 In a family statement in July 2021 it was recorded that there was great sadness and immense loss that they could confirm that Andrew Devine passed away at the premature age of 55. The family statement was released through Liverpool Football Club – it stated:

“Our collective devastation is overwhelming but so too is the realisation that we were blessed to have had Andrew with us for 32 years since the Hillsborough tragedy.”
- 3.4 Initially, at the time of the disaster, the family had been told Mr Devine would not survive after his chest was crushed and his brain deprived of oxygen in the lethal crush that saw 96 fellow supporters killed in Britain’s worst ever sporting disaster.

- 3.5 In the intervening years, Andrew had been a much loved son, brother and uncle. He had been supported by his family and a team of dedicated carers, all of whom devoted themselves to him.
- 3.6 Although an immensely sad time for the family, the conclusion of the coroner was welcomed. Mr Andre Rebello, recording at Liverpool Coroner's Court, that Andrew was unlawfully killed, making him legally the 97th fatality of the tragic events that occurred on April 15, 1989.
- 3.7 It was noted that when Liverpool won the Champions League in 2019, Liverpool star James Milner paused the team's open top bus parade outside Mr Devine's home so that the trophy could be shown to him. Andrew having continued to attend matches at Anfield when possible, and in doing so had defied expectations that he would not survive for six months after the tragedy.
- 3.8 Andrew was posthumously honoured by Liverpool City Council at a special extraordinary meeting of Council held on 8 December 2021 as the 97th victim of the Hillsborough disaster. Wirral Council had similarly honoured the '96' at an extraordinary meeting of Council on 15 September 2017, and the extension of this honour to Andrew and his family confirms the strong feelings towards all those who sadly lost their lives as a result of the tragic events of April 15, 1989.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The modest financial implications can be met from within existing budgets.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council may by a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the purpose, admit to be Honorary Freemen or Freewoman of the place or area for which it is the authority persons/organisations of distinction and persons/organisations who have in its opinion rendered eminent services to the Borough. (Section 249(5), of the Local Government Act 1972.)

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no implications associated with staffing, ICT or assets.

7.0 RELEVANT RISKS

- 7.1 There are no risks identified with the implementation of this recommendations contained within this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Prior to the matter being presented to Council, all nominations in respect of individuals, groups of individuals, or organisations are circulated as a matter of courtesy to the Mayor and Political Group Leaders.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. No equality issues have been identified as arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The content and/or recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 It is anticipated that the content and recommendations contained within this report will help enhance the Council's objectives of a thriving, healthy, accessible, safe and attractive Borough, and by way of encouraging community involvement in volunteering, education, donations to charities and other aspirations will maintain the tradition whereby public recognition may be given to recipients and as an expression of the highest esteem in which they are held by the Council and people of the Borough.

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BACKGROUND PAPERS

Wirral Council Constitution Part 5, Section 10
Liverpool City Coroner's Office
National Press / online reports: BBC, Liverpool Echo, Wirral Globe, theguideliverpool.com
Online source: Wikipedia.org, Hillsborough Disaster