

## MERSEY GATEWAY EXECUTIVE BOARD

*At a meeting of the Mersey Gateway Executive Board on Thursday, 24 September 2009  
in the Marketing Suite, Municipal Building*

Present: Councillors McDermott (Chairman), Polhill and Wharton

Apologies for Absence: None

Absence declared on Council business: None

Officers present: B. Dodd, D. Parr, M. Reaney, D. Tregaea, S. Nicholson,  
M. Noone and M. Simpson

Also in attendance Councillors Findon and Redhead.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

*Action*

#### MGEB1 MINUTES

The Minutes of the meetings held on 29 January and 19 March 2009 were taken as read and signed as a correct record.

#### MGEB2 GENERAL PROGRESS REPORT

The Board considered a report of the Strategic Director, Environment which advised of the progress made since the last meeting of the Board in March 2009, during which time a Public Inquiry to consider the formal planning applications and orders had taken place.

The Board was advised that the Inquiry had now closed having sat for 19 days. All the concerns raised by the regulators, such as the Environment Agency, the Mersey Conservator and Natural England had been addressed either before or during the Inquiry, resulting in objections being withdrawn. Many objections received from land owners and businesses affected by the project were also addressed, leading to the objections also being withdrawn. The project continues to benefit from wide support, demonstrated in the letters of support sent to the Inspector from government

agencies, neighbouring Councils and businesses.

Members informed they could look into the more detailed discussions and evidence presented to the Inquiry on the website [www.persona.uk.com/mersey](http://www.persona.uk.com/mersey).

RESOLVED: That the progress made to date be noted.

### MGEB3 PREPARATION FOR PROCUREMENT

The Board considered a report of the Strategic Director, Environment which advised of the key activities leading up to the commencement of the procurement process for Mersey Gateway.

The Board was advised that the next stage of the project plan was focussed on the delivery of the following key milestone events:-

- i) the Secretaries of State announce their decision on the Orders and Applications submitted by the Council and considered at the Public Inquiry; and
- ii) the Department for Transport (DfT) grants Conditional Funding Approval based on the Outline Business Case submission being approved by both DfT and the Project Review Group (PRG) of HM Treasury.

The Board was further advised that the planning decision by the Secretaries of State was expected early next year. Although the timetable for, and outcome of, such events was always uncertain the fact that the Inquiry had been relatively short and straightforward would help the drafting of a decision letter.

The Planning Inspectorate had advised that the Inspector's Report on the Inquiry would be with the Transport and Works Act Orders Unit towards the end of November. It was noted that the various planning applications and orders submitted for Mersey Gateway would require contributions from a number of different government offices in the drafting of a decision letter.

The second requirement prior to commencing the procurement process was to secure Conditional Funding Approval from DfT Ministers, which involved consultation with the Treasury Ministers after clearing the Outline Business Case through the Project Review Group

(explained in Appendix 1 to the report).

It was also reported that the programme for securing the sequence of approvals leading to Conditional Funding Approval being granted by Government was set out at Appendix 2 to the report for Members consideration.

Members were advised that although large PFI contracts had been agreed in recent months the market was still affected adversely by the banking crisis and the current work on procurement would investigate how to allocate risk to get best value bids.

RESOLVED: That the Board note what is required to be achieved to secure the authority to commence the procurement process, as determined by the Council's funding agreement with Government.

MGEB4 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Board considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will

be disclosed, being information defined in Section 100(1) and paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972.

*(NB Councillors Findon and Redhead remained in the meeting during consideration of the following item of business having demonstrated a "need to know".)*

#### MGEB5 LAND ASSEMBLY AND AGREEMENTS WITH THIRD PARTIES

The Board considered a report of the Strategic Director, Environment which outlined that during the preparation for the Public Inquiry, the Project Team was able to satisfy a considerable number of concerns expressed by individuals and organisations leading to the avoidance or withdrawal of formal objections to the proposed Applications and Orders for Mersey Gateway. In many cases, the response given to potential objectors had now been compiled in formal agreements. This report advised the Board of the third party agreements entered into and the substantive obligations for the Council.

RESOLVED: That the Board note the Agreements in place and the Council obligations reported.

**MINUTES ISSUED: 5 October 2009**

**CALL IN: 12 October 2009**

**Any matter decided by the Executive Board may be called in no later than 12 October 2009.**

*Meeting ended at 3.29 p.m.*