

MERSEY GATEWAY EXECUTIVE BOARD

*At a meeting of the Mersey Gateway Executive Board on Thursday, 19 November 2009
in the Marketing Suite, Municipal Building*

Present: Councillors Polhill (Chairman) and Wharton

Apologies for Absence: Councillor McDermott

Absence declared on Council business: None

Officers present: L. Derbyshire, B. Dodd, D. Parr, M. Reaney, M. Noone and
D. Tregoe

Also In Attendance: Councillors Findon and Redhead

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

MGEB6 MINUTES

The Minutes of the meeting held on 24 September 2009 were taken as read and signed as a correct record.

MGEB7 GENERAL PROGRESS TOWARDS COMMENCING PROCUREMENT

The Board considered a report of the Strategic Director, Environment which advised Members of the general progress made towards securing the authority required to commence the procurement process.

The Board was advised at the meeting of the last Mersey Gateway Executive Board on 24 September, that the formal procurement process for a Mersey Gateway concession contract could only commence once the Council had secured the planning decision by the Secretaries of State and for Ministers to grant Conditional Funding Approval.

The Board was further advised that the timing of an announcement of the planning decision by the Secretaries of State was linked to when the Department for Transport received the Inspector's Public Inquiry Report. Although the Authority had been advised that the Inspector's Report was expected to be with the Department towards the end of

November, the Minister had recently advised that this was now expected in mid-December. The Minister gave this information in his response to an oral question in Parliament raised by Derek Twigg MP. The response by Transport Minister Sadiq Khan was as follows:-

“The Inspector’s report following the recent public inquiry is not expected to be received until the middle of December and its recommendations will need to be considered carefully before the Secretary of State can announce the decisions. A further decision on funding will be taken after that.”

In addition, the Minister’s reference to a further decision on funding related to their consideration of the Conditional Funding Approval submission. The Minister in his response also acknowledged the hard work of the Council and our representations received which explained the benefits of an expeditious decision. The Minister reaffirmed that the timescale for a decision was linked to when the Department expected to receive the Public Inquiry Inspector’s report and pointed out the scheme’s complexities. The Minister did however assure Mr Twigg that he had taken on board the points made and the sense of urgency that he had expressed.

It was reported that it was encouraging to receive the positive comments from the Minister but the legal due process leading up to planning decision would determine the timescales to a great extent. There was still an opportunity to announce the decision before the end of March 2010 but the recent delay had put this outcome at greater risk.

It was also reported that the second requirement prior to commencing the procurement process was to secure Conditional Funding Approval from DfT Ministers and work towards this aim was progressing as planned. The first draft of the Outline Business Case was due to be discussed with the DfT Major Projects Team at the progress meeting on 19 November 2009.

The Board noted the recent work that had been undertaken on the bridge by National Grid and the impact of the lane closures on the Borough in respect of traffic. It was also noted that the problem had been exacerbated because of weather conditions and an accident on the motorway. It was reported that the lane had been closed to ensure the safety of the workforce and to allow access to the work.

RESOLVED: That the progress made and the outlook

for commencing procurement next year be noted.

MGEB8 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.

MGEB9 LAND ASSEMBLY STRATEGY

The Board considered a report of the Strategic Director, Environment which advised Members that at its meeting on 24th September 2009, the Board considered a Report (MGEB5 – Land Assembly and Agreements with Third Parties) and resolved to note the agreements in place for the advanced acquisition of land, and the obligations of the Council in respect of those agreements.

The Board was further advised of the strategy which the Mersey Gateway Team proposed to adopt in order to

assemble all the land required to construct and operate the proposed Mersey Gateway scheme in accordance with statutory procedure where some land was expected to be acquired by compulsion.

RESOLVED: That the land assembly strategy to be adopted by the Mersey Gateway Team in order to assemble all the land required to construct and operate the proposed Mersey Gateway scheme and to deliver the project to the required timescale be noted.

Strategic Director
- Environment

MINUTES ISSUED: 25th November 2009

CALL IN: 2 December 2009

Any matter decided by the Executive Board may be called in no later than 2 December 2009

Meeting ended at 3.20 p.m.