

REPORT TO: Mersey Gateway Executive Board

DATE: 17th March 2011

REPORTING OFFICER: Strategic Director – Environment & Economy

SUBJECT: Mersey Gateway – Protective Provisions for Merseyside Integrated Transport Authority.

WARDS: All

1.0 PURPOSE OF THE REPORT

1.1 The report deals with the proposed Agreement with Merseyside Integrated Transport Authority that will, in general, establish obligations for the Council when procuring and operating the Mersey Gateway project to consider the impact of tolling and road user charging policy on the Mersey Tunnels.

2.0 RECOMMENDATION: That

- (1) The Operational Director for Legal and Democratic Services, subject to reaching Agreement on a Confidentiality Undertaking (recommendation 2), be authorised to enter into the Agreement with the MITA, as attached at annex 1:
- (2) The Chief Executive be authorised to agree and execute a Confidentiality Undertaking between the Council and the MITA to support the operation the above Agreement: and
- (3) That the executed Agreement be reported to the Liverpool City Region Cabinet at the next available opportunity.

3.0 SUPPORTING INFORMATION

3.1 The Council agreed to consider the representations made by Merseytravel in response to the published Mersey Gateway Transport and Works Act Order. In essence such an agreement was initiated at the meeting of the Passenger Transport Executive/Authority (as it then was) on the 14th July 2008, which was attended by the then Council Leader, Councillor McDermott. Papers relating to the meeting are listed below.

3.2 Since that meeting discussions have taken place from time to time between the Mersey Gateway project team and officers at Merseytravel. The outcome is a proposed Agreement between the

Council and MITA that would establish arrangements for consultation where the MITA would be invited to comment on particular aspects of the Mersey Gateway proposals as they are developed through procurement, construction and into operation. The Council is also required to establish a liaison group to facilitate this consultation process. The proposed Agreement is attached to this report at Annex 1.

- 3.3 The need for this consultation arises out of the fears to MITA that there is a potential for Mersey Gateway tolling and road user charging policy and operations to have an adverse impact on Mersey Tunnels. The Agreement does not bind the Council to accept the expressed views of the MITA that are made in response to specific consultation materials but the Agreement does require the Council to take the consultation response into account in decisions that are taken, which are related to the consultation response. In taking the response of MITA into account the outcome determined by the Council may not comply with the wishes of MITA and this failure to agree could prompt the matter to be resolved using the Disputes procedure in the Agreement.
- 3.4 In general terms the Council is required to consult the MITA during procurement on the draft tender documentation and the tender evaluation criteria, and the subsequent application of such criteria to the tender results. All information which is covered by a duty of confidence to the tenderers (the bidders) is excluded from this obligation.
- 3.5 Towards the end of procurement the Council would be required to consult the MITA before exercising the following functions:-
- (a) setting of the tolls within the initial toll range (under paragraph 1 of Schedule 11 of the Order);
 - (b) the revision of toll ranges (under paragraph 7 of Schedule 11 of the Order);
 - (c) variations to the classification of vehicles or classes of vehicles in respect of which tolls may be charged (under paragraph 7 of Schedule 11 of the Order);

- (d) the granting of exemptions from tolling, discounts or any other waiving or suspending of tolls or charges (or any part of such tolls or charges) under article 41 of the Order or otherwise;
- (e) the entry into a concession agreement (under article 43 of the Order and the terms of any such agreement); and
- (f) any function the exercise of which is likely to impact on the potential for interoperability between the Mersey Tunnels and the charging of tolls or charges for the passage of vehicles over the new crossing.

3.6 Most, if not all the information relevant to the obligation to consult the MITA is likely to be in the public domain but to support an effective operation of the Agreement we have requested that these consultation arrangements are protected by a separate Confidentiality Undertaking between the Council and the MITA. The Mersey Gateway project team has proposed a draft Confidentiality Undertaking Agreement to officers at the MITA and we are advised that subject to the MGEB approving recommendation 1) above the MITA would consider the Confidentiality Undertaking at their meeting in April.

4.0 POLICY IMPLICATIONS

4.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

5.0 OTHER IMPLICATIONS

5.1 All substantive implications are reported above .

IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

6.2 Employment, Learning and Skills in Halton

See above

6.3 A Healthy Halton

Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all, including improved cycling and walking facilities.

6.4 A Safer Halton

The project will produce road safety benefits for road users including improved facilities for cycling and walking.

6.5 Halton's Urban Renewal

Mersey Gateway is a priority project in the Urban Renewal Programme.

6.0 RISK ANALYSIS

- 7.1 The Agreement will constrain the Council but the obligations are similar to that it has put in place through the formation of the Mersey Gateway Group to ensure that the project takes into account the views of neighbouring authorities.

7.0 EQUALITY AND DIVERSITY ISSUES

Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

See below

Document	Place of Inspection	Contact Officer
1) Minutes of the meeting of the Merseyside Passenger Transport Authority on 14 July 2008	Mersey Gateway Project Office	Steve Nicholson
2) Chief Executive letter to Neil Scales Chief Executive Merseyside Passenger Transport of 17 July 2008		
3) Merseytravel letter of support for Halton Borough Council's application to the Secretary of State under the Transport and Works Act 1992.		
4) Merseytravel letter of support for Halton Borough Council's proposed A533 Silver Jubilee Road User Charging Scheme Order.		
5) Mersey Gateway Project Director letter to Merseytravel CE agreeing to put the Agreement to the Halton Executive and LCR Cabinet.		