

**REPORT TO:** Mersey Gateway Executive Board

**DATE:** 25 September 2008

**REPORTING OFFICER:** Strategic Director Environment

**SUBJECT:** Mersey Gateway: Appointing Counsel for the Public Inquiry

**WARDS:** All

## **1.0 PURPOSE OF THE REPORT**

1.1 This report deals with the appointment of legal Counsel to act as advocate for the Council in the expect Public Inquiry.

## **2.0 RECOMMENDATION: That the Board**

- i) note the decision of the officer Mersey Gateway Project Board to appoint Timothy Straker QC and Christopher Boyle (Junior Barrister) to represent the Council at the forthcoming public inquiry.

## **3.0 SUPPORTING INFORMATION**

3.1 The preparation of Mersey Gateway has reached a stage where the project team require routine access to legal Counsel so that they can deal effectively with objections and representations to the proposals and to prepare a robust presentation of the Council case at public inquiry.

3.2 Alternative Barristers and Junior Barristers have been proposed by our legal advisers DLA Piper and their assessment was reported to the Mersey Gateway Project Board by the Project Director in April 2008. The office Project Board noted that the appointment of Counsel was now an urgent requirement to support the project delivery timetable.

3.3 Three candidates were assessed on the grounds of cost and their experience in dealing with complex infrastructure projects at inquiries. Previous experience with the Transport and Works Act was a particularly important requirement.

3.4 Although there was some difference in fees the assessment was focussed on selecting Counsel on quality grounds. The officer Project Board noted the critical influence that the barrister team will have on the outcome of the statutory process. The assessment had revealed

doubts about cheaper options and this was not an area where the project should invite additional delivery risks.

- 3.5 The officer Project Board instructed the Mersey Gateway Project Director to appoint Timothy Straker QC and Christopher Boyle (Junior Barrister) to represent the Council at the forthcoming public inquiry. The appointment would be made at the earliest opportunity to enable engagement to take place on the preparations for the Public Inquiry.

#### **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 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

- 5.1 The implementation of Mersey Gateway will have significant benefits for all Council priorities.

#### **6.0 RISK ANALYSIS**

- 6.1 As stated above the performance of Counsel in guiding the preparation of evidence for the public inquiry and acting as the Council's advocate, will be a critical factor in securing the planning approval at the earliest opportunity. In appointing Timothy Straker and Christopher Boyle we have secured what has been assessed as the best available team with impressive reputations for supporting complex infrastructure projects through the planning process.

#### **7.0 EQUALITY AND DIVERSITY ISSUES**

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

#### **8.0 REASON(S) FOR DECISION**

- 8.1 No decisions are required.

#### **9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 9.1 Two other candidates were considered.

#### **10.0 IMPLEMENTATION DATE**

- 10.1 No decisions are required.

#### **11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

11.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.