

MERSEY GATEWAY EXECUTIVE BOARD

*At a meeting of the Mersey Gateway Executive Board on Thursday, 25 September 2008
in the Marketing Suite, Municipal Building*

Present: Councillors Polhill and Wharton

Apologies for Absence: Councillor McDermott

Absence declared on Council business: None

Officers present: B. Dodd, D. Parr, D. Tregaea, S. Nicholson, M. Noone and
L. Derbyshire

Also Present: Councillors Findon and Redhead

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

MGEB7 MINUTES

The Minutes of the meeting held on 21st July 2008, having been printed and circulated, were taken as read and signed as a correct record.

MGEB8 BUDGET

The Board considered a report of the Strategic Director, Environment which dealt with the revised development cost budget forecast for delivering Mersey Gateway up to the construction phase when a contract would be in place with the private sector (the Concessionaire) to design, build, finance and operate the project. The information updated the forecasts made in the development budget approved by the Executive Board on 20th April 2006 and the information on budget monitoring report to the Mersey Gateway Board since then.

The Board was advised that the revised outturn forecast of £21.6m would require the Council to meet £11.7m (excluding pre Programme Entry cost of £2,1m) in total assuming that the DfT agreed to contribute the £6.4m and taking into account the £3.5m already secured from the Development Agency. It was assumed that it is appropriate to capitalise development costs allowing the Council to fund its contribution by prudential borrowing. Under the

constitution the revised budget would need to be approved by Council. A proportion of the strategic priorities fund had already been set aside to secure borrowing up to £8m and the Capital Programme was based on the current approved development cost budget (314m).

The Board was further advised that Table five in the report indicated the funding and financing required to support the estimated development costs assuming that the Council continued to use prudential borrowing and that the Authority received the full grant from DfT as requested.

Members noted the reasons for the increase in expenditure costs and the importance of delivering the project.

RESOLVED: That

- (1) the revised budget for Development Costs up to Final Funding Approval be approved;
- (2) the Council be recommended to amend the Capital Programme accordingly; and
- (3) the potential call on the Council Priorities Fund be noted.

MGEB9 MERSEY GATEWAY: APPOINTING COUNSEL FOR THE PUBLIC ENQUIRY

The Board considered a report of the Strategic Director, Environment which dealt with the appointment of legal Counsel to act as advocate for the Council in the expected Public Inquiry.

The Board was advised that the preparation of the Mersey Gateway had reached a stage where the project team required a routine access to legal Counsel so that they could deal effectively with objections and representations to the proposals and to prepare a robust presentation of the Council case at Public Inquiry.

The Board was further advised that alternative Barristers and Junior Barristers have been proposed by the 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.

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.

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 would 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.

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 in order to enable engagement to take place on the preparations for the Public Inquiry.

RESOLVED: That 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 be noted.

MINUTES ISSUED: 26th September 2008

CALL IN: 3rd October 2008

Any matter decided by the Mersey Gateway Executive Board may be called in no later than 3rd October 2008

Meeting ended at 3.30 p.m.