

To the extent not redacted for reasons of confidentiality, I, Sarah Bourne, certify this to be a true copy of the original minutes of Merseyside Fire and Rescue Authority.

S. Bourne  
SOLICITOR AND  
DEPUTY CLERK

NOT FOR PUBLICATION

This report contains EXEMPT information by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

## MERSEYSIDE FIRE AND RESCUE AUTHORITY

### SPECIAL MEETING

21<sup>st</sup> September 2010

**PRESENT:**

Councillors Tony Newman (Chair),  
Jimmy Mahon, Dave Hanratty, Sharon Sullivan,  
Les Byrom, Colin Strickland, Robbie Ayres,  
Barbara Murray, Ted Grannell, Denise Roberts,  
Linda Maloney, Lesley Rennie, Gerry Ellis,  
Martyn Barber, Steve Niblock and Eddie Clein.

**Apologies for absence  
were received from:**

Councillors Jimmy Kendrick and  
Andrew Blackburn  
Independent Member Keith Pickup

#### 1. Preliminary Matters

The Authority considered if there were any declarations of interest, matters of urgency or items that may require the exclusion of the press and public because of the possibility of disclosure of exempt information.

(a) The following declarations of interest were made in relation to items of business on the agenda:

- Councillors Linda Maloney and Robbie Ayres declared an interest in **Agenda Item 3 - CFO/138/10 - PFI Project Final Sign Off**, as they both sit on St. Helens Council Planning Committee.

Councillor Mahon also declared an interest to this item as he sits on Sefton Council's Planning Committee.



(c) The following items of business required the exclusion of the press and public because of the possibility of the disclosure of exempt information:

- Agenda Item 3 - CFO/138/10 - PFI Project Final Sign Off.

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

2. Minutes of Previous Meeting

The Minutes of the previous meeting of the Authority, held on 24<sup>th</sup> June 2010 were approved as a correct record and signed accordingly by the Chair.

3. PFI Project Presentation

It was requested by the Assistant Chief Executive & Treasurer that Mr. Skarratts – Fire Brigades Union Representative be permitted to stay for the presentation and discussion of this item.

The Assistant Chief Executive & Treasurer and Mr. Schofield – PFI Project Manager gave a Power Point Presentation to the Authority explaining the history of the Project from conception to the current day.

During the presentation Members were asked if they had a preference when building work was to commence as the building trade closes down for two weeks over the Christmas period.

Resolved that:

- (a) Members had no preference when the building work was to commence as it would seem pointless to start work mid December to then close down again.
- (b) Noted that Balfour Beatty had confirmed that they would do their utmost to drive the work forward to catch up and meet the deadline.

4. PFI Project Final Sign Off  
(CFO/138/10)

*This Minute is EXEMPT under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.*

Members considered Report CFO/138/10 of the Assistant Chief Executive & Treasurer concerning the Final Sign Off of the North West Fire & Rescue Services Private Finance Initiative Project.

Resolved that:

- (a) The Final Business Case be noted and endorsed, and its submission to CLG be approved;
- (b) Arrangements for the North West Fire & Rescue Services PFI Project be approved on the basis of the financial terms and general principles contained within the report;
- (c) The execution of the following documents (collectively known as "the Agreements") be authorised:
  - The Project Agreement and its Schedules, being the principal agreement to be entered into between the Authority, Cumbria County Council and Lancashire Combined Fire Authority ("the Authorities") and Balfour Beatty Fire and Rescue NW Limited ("Project Co.");
  - The Direct Agreement, being the agreement entered into between the Authorities, Nord LB and Dexia ("the Funders") and Project Co. ("the Direct Agreement");
  - The Collateral Agreements to be entered into between the parties set out below:
    - The Authorities, Mansell Construction Services and Project Co.;
    - The Authorities, Border Construction and Project Co.;
    - The Authorities, Balfour Beatty Workplace and Project Co.;
    - The Authorities, Blue Sky Architects and Project Co.;
    - The Authorities, Seymour Harris Architects and Project Co.;
    - The Authorities, and any other principal building sub-contractors or relevant members of the professional team; and
    - Any other Collateral Agreements required under the terms of the Project Agreement.
  - The Independent Certifier Deed of Appointment to be entered into between the Authorities, Project Co., the Funders and Gleeds;

- The Co-operation Agreement being the agreement being entered into between (1) the Authority, (2) Cumbria County Council, and (3) Lancashire Combined Fire Authority in relation to the relationship between the Authorities for the duration of the Project (“the Co-operation Agreement”); and
  - Any other agreements, certificates, acknowledgements, waivers, notices, letters or other documents incidental to the documents listed above or to the Project or otherwise necessary or desirable in connection with the Project.
- (d) the Assistant Chief Executive & Treasurer (Kieran Timmins), or in his absence, the Director of Finance (Ian Cummins), be authorised to certify that the following contracts are intra vires in accordance with the Local Government (Contracts) Act 1997:
- the Project Agreement and its Schedules; and
  - the Direct Agreement.
- (e) the Chief Executive & Chief Fire Officer (Anthony McGuirk) or the Deputy Chief Executive & Deputy Chief Fire Officer (Michael Hagen) or the Assistant Chief Fire Officer (Daniel Stephens) or the Assistant Chief Executive & Treasurer (Kieran Timmins) or the Director of Legal Services and Monitoring Officer (Janet Henshaw) or the Deputy Clerk (Sarah Bourne) be authorised to execute the Agreements under seal on behalf of the Authority and agree that their execution of the Agreements should conclusively demonstrate approval by the Authority of the Agreements in their final form;
- (f) the Chief Executive & Chief Fire Officer (Anthony McGuirk) or the Deputy Chief Executive & Deputy Chief Fire Officer (Michael Hagen) or the Assistant Chief Fire Officer (Daniel Stephens) or the Assistant Chief Executive & Treasurer (Kieran Timmins) or the Director of Legal Services and Monitoring Officer (Janet Henshaw) or the Deputy Clerk (Sarah Bourne) (“the Relevant Officers”) as appropriate be authorised to take all necessary action in connection with the agreements, in consultation with Dickinson Dees LLP, the Authority’s legal advisers in relation to this Project; and in consultation with the Chairman of the Authority, or in his absence, the Deputy Chairman of the Authority;
- (g) the Authority will indemnify any of the Relevant Officers in respect of any claims and costs relating to the contract arrangements, provided that the Relevant Officer has acted reasonably and within the ordinary course of their duties.
- (h) the Authority request the PFI Project Team to monitor the use of local economy and report back.

- (i) Members placed their appreciation on record to the PFI Project Team for seeing the project through for the Authority.
- (j) the Chief Executive & Chief Fire Officer placed his thanks on behalf of Officers to the Authority for supporting the PFI Project.
- (k) noted that Kensington Fire Station was now complete; and
- (l) requested information regarding Toxteth Community Hubs to be circulated to Members.

3.

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Date of Next Meeting

Thursday 30<sup>th</sup> September 2010.