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**From:** Debbie Harkness on behalf of Alastair Maclean  
**Sent:** 11 November 2010 10:20  
**To:** Jim Inch; Donald McGougan  
**Subject:** FW: Important but not urgent, CEC papers for December.  
**Attachments:** ETLogo.jpg; ATT12671676.htm; 1806347785.png; ATT12671677.htm; ATT12671678.dat; ATT12671679.htm

FYI  
Alastair

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**From:** Debbie Harkness **On Behalf Of** Alastair Maclean  
**Sent:** 11 November 2010 10:19  
**To:** Tom Aitchison; 'Richard Jeffrey'  
**Cc:** Alastair Maclean  
**Subject:** FW: Important but not urgent, CEC papers for December.

Richard

Thank you for this.

Whilst I understand your thinking (and fears) I have some concerns (both legal and political) about this.

Let's add it to our discussions on Friday and I will come back with a plan having discussed internally and with our advisers as to how we might take this forward.

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**From:** Richard Jeffrey [<mailto:Richard.Jeffrey@tie.ltd.uk>]  
**Sent:** 10 November 2010 15:36  
**To:** Tom Aitchison; Alastair Maclean  
**Subject:** Important but not urgent, CEC papers for December.

Dear all,

I am thinking about how things might pan out in the run up to the December Council meeting.

Clearly any decision to terminate the contract will carry risks, risks which should be fully explained and understood by those empowered with making the decision. Of course I will fully explain these risks to the Tram Project Board and the TEL Board.

It will not necessarily be helpful to our case, either in court or in trying to reach an out of court settlement, for the risks associated with our case to be explained in public for the contractor to see. Even if not discussed in public, I have concerns that some councillors may have relationships with

the consortium, (or their agents), which may inadvertently lead to the disclosure of information which prejudices our case.

I am also concerned that the nature of the issues to be considered are of such complexity and depth that they may not have a full and balanced airing at a full council meeting, again, I have every confidence that these issues can be fully explored in a board environment.

I was wondering if we could adopt the following approach.

- The decision to terminate cannot be made by the TPB, it would need to be referred to the TEL Board.
- The TEL board has representatives from all the major parties.
- The TEL board can discuss and interrogate all the issues in detail, and in necessary can call all the 'experts' who have been instrumental in putting together the case (in particular I think it would be good to hear from Tony Rush and Brandon Nolan at McGrigors).
- It is less likely that BSC can 'interfere' with any debate or decision making process.

In short, I think the TEL board is by far and away the best forum in which to make such complex decisions.

Following the decision of the TEL Board, I along with Alastair, and the Councillors who are on the TEL Board (and anyone else) could brief each party individually on the deliberations of the TEL Board.

The Council paper could then be simply an endorsement of the decision of the TEL Board, without examining all the issues in public.

Any thoughts?

Regards

Richard

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