
From: Fitchie, Andrew [Andrew.Fitchie@dlapiper.com]
Sent: 11 June 2010 13:13
To: Richard Jeffrey; Anthony Rush; Stewart McGarrity
Subject: RE: Carlisle

Legally privileged and FOISA exempt

Richard

1. Since DLA Piper owes a duty of care to CEC, I welcome CEC Legal's first hand involvement.


2. If there is any suggestion that CEC Legal were not involved there a many communications between myself and Gill Lindsay during 2007 and 2008 that contradict that position and CEC Legal were invited to be present and be engaged in at any point in the procurement process, the negotiations and other tie management meetings. It was specifically agreed that we, DLA Piper, would operate on the basis that an instruction from tie was to be treated as an instruction from CEC -our mandate would have been absurd and impossible to execute if it had not operated on this basis.

CEC Legal had direct access to me and any DLA Piper team members for 18months and were provided with key draft documentation, position papers, negotiating plans etc (having expressed a desire not to be flooded with every day workings) to comment on. I do not recall receiving a great deal of input on detail or CEC's specific requirements. I made every legal recommendation available to CEC and I am really not certain how Nick's comments should be read. There were a number of tense occasions when CEC's desire to have DLA Piper report on how tie were performing placed us in an impossible position.

3. I would like, at all costs, to avoid discussion about what CEC Legal did or did not do "last time around". There were quite some number of Legal/Commercial meetings, I recall where the CEC reps were not able to attend but there were also critical meetings where they did attend and were briefed and expressed useful cogent views..

kind regards

Andrew S. Fitchie
Partner, Location Head Finance & Projects
DLA Piper Scotland LLP
T: +44 (0)131 [REDACTED]
M: +44 (0) [REDACTED]
F: +44 (0)131 242 5562

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From: Richard Jeffrey [mailto:Richard.Jeffrey@tie.ltd.uk]
Sent: 11 June 2010 12:45
To: Anthony Rush; Stewart McGarrity; Fitchie, Andrew
Subject: Carlisle

Nick smith called.

He has discussed the situation with Alastair Maclean.

Amongst other things he wants a CEC legal person embedded in the Carlisle negotiating team when we get to the detailed legal negotiations. His argument is;

- If CEC legal had been more heavily involved first time round we wouldn't be in the mess we are in now (Stewart/Andrew you may wish to comment on this as this is a line Nick is increasingly repeating, when I challenged him he said 'some parts of the council were heavily involved but not legal and this is well documented')

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- It will speed up the CEC approval of Carlisle (which I agree with, and which Nick is already suggesting may take several weeks)
- It allows CEC to say they have had things independently checked

The person will probably be a secondee from yet another law firm working on behalf of CEC, but then the external law firm will then be asked to produce a report for CEC. Oh good, yet another set of opinions and egos to manage!

Richard

Richard Jeffrey
Chief Executive

Edinburgh Trams
Citypoint
65 Haymarket Terrace
Edinburgh
EH12 5HD

Tel: (+44) (0)131 [REDACTED]
Email: richard.jeffrey@tie.ltd.uk

Find us online (click below):



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