
From: Colin MacKenzie
Sent: 20 January 2009 18:06
To: Jim Inch
Cc: Gill Lindsay; Nick Smith
Subject: EDINBURGH TRAM: TPB PAPER

Importance: High

Jim,

Thanks for sending me a copy of this report.

I am surprised to see this paper going forward against a background where both you and Donald have made it very clear that the governance review would be led by the Council. I conveyed the same message to the Financial, Commercial and Legal Committee at the recent meeting on 12 January. That has clearly gone unheeded and is symptomatic of the failure by **tie** to acknowledge the Council's lead role in terms of governance.

I do not propose commenting on the detail of the paper, other than to say it is not far from the discussions you and I have had in relation to the December 2008 Council report and for the March 2009 draft report. It also encompasses most of the actions which officers require to undertake or manage in guiding the changes in company structure over the next few months, once approved by Council. However, it is clearly slanted in a particular direction which might be said to seek to influence the Council's thinking.

The timing of this submission to TPB is quite inappropriate. Furthermore, it is not a matter for the family members to debate among themselves what is best for them: it is for the parent to decide on which model or structure it wishes to put in place. There is danger in reporting to the TPB when the authority is represented there by a director and various elected members. In my humble opinion the Council should be insisting that this report is withdrawn from the TPB agenda.

Kind regards,

Colin MacKenzie
for Council Solicitor