
From: Colin MacKenzie
Sent: 04 June 2008 15:44
To: Sheila Dove
Cc: Andy Conway; Nick Smith
Subject: RE: Lessons Learnt paper

Importance: High

Sheila,

Thanks for sending me this paper: it was helpful to consider Dundas & Wilson's views.

I think there are a number of useful lessons highlighted in the paper, although I would not necessarily agree with everything that is said. My reasons are two-fold: firstly, I was not as closely involved at the Bill stage as Dundas & Wilson, and secondly there were undoubtedly problems in the Council's relationship and experience with **tie**. I would be happy to expand on the latter with Duncan, but some of these points ought to be kept on a confidential basis within the Council. I am not suggesting that all of these issues were of **tie's** making, there were clearly shortcomings caused by the Council.

If there is to be a Tramline 3 then in my view I do not believe the Council has much choice in the matter: I believe that it would require to use the Transport and Works (Scotland) Act 2007 procedure. It is likely that the civil servants would steer the Council towards using the new process. This was introduced " because in previous years promoters of schemes were required to seek a Private Bill of the Scottish Parliament. The mechanism was viewed by many, including the Scottish Parliament as being unwieldy, time-consuming and inappropriate." The new process and rules " place great emphasis on process efficiency." The net effect, when the new process is used, will be to take away from Parliament the time-consuming Bill process and vest powers with Ministers. It would appear that only the Council could avail itself of the opportunity to use the new Order process. The Act does not envisage a company like **tie** being able to apply for an Order in its own right.

Given what I have not said above in express terms, I would agree with Dundas & Wilson that governance in any future CEC/**tie** venture (which cannot be a given) ought to be hammered out at the start. Too many problems and delays were occasioned in the current project due to lack of, and late, attempts to set out a proper governance.

Again I support what is said about engagement by Dundas & Wilson, and I would go further. In certain major areas for the current project a lack of engagement caused untold problems and delays with Network Rail. **tie** purported to act on behalf of CEC without any instructions whatsoever, binding the Council to an extremely onerous agreement which nearly scuppered the project.

The comments on programme being driven by bonus are spot on. I would add to this that price should not be bonus driven either !

Kind regards,

Colin MacKenzie
for Council Solicitor

From: Sheila Dove
Sent: 04 June 2008 13:40
To: Colin MacKenzie
Cc: Andy Conway
Subject: FW: Lessons Learnt paper

Colin,

Please see attached paper from Trudi Craggs. Duncan would like your comments on this as soon as possible.

This will be an appendix to the report going to the IPG.

Regard

Sheila

Sheila Dove
(Temp) Secretary
On behalf of Duncan Fraser
Tram Coordination Manager

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From: Trudi Craggs [mailto:Trudi.Craggs@dundas-wilson.com]
Sent: 04 June 2008 11:42
To: Duncan Fraser
Cc: Sheila Dove; Ann Faulds
Subject: Lessons Learnt paper

Duncan

I attach my paper on lessons learnt which I understand you need today. Hopefully this is what you are looking for - if you need anything further or want to discuss please do not hesitate to give me a call.

Regards

Trudi

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