



# tie Limited

## Minute of the CEC/tie Legal Affairs Group Meeting

**Date:** Monday 10th December 2007

**Time:** 16:00 to 17:15

**Venue:** CityPoint

In attendance	Andrew Holmes	CEC	AH
	Colin MacKenzie	CEC	CM
	Nick Smith	CEC	NS
	Andy Conway	CEC	AC
	Willie Gallagher	<b>tie</b>	WG
	Susan Clark	<b>tie</b>	SC
	Matthew Crosse	<b>tie</b>	MC
	Alasdair Sim	<b>tie</b>	AS
	Andrew Fitchie	<b>tie</b> /DLA Piper	AF

Apologies	Jim Inch CEC	Duncan Fraser CEC
	Barry Cross <b>tie</b>	Alan Coyle CEC
	Gill Lindsay CEC	Nick Smith CEC
	Graeme Bissett <b>tie</b>	Rebecca Andrew CEC

Circulation Above

		ACTION By	Target Date
<b>1.</b>	<b>Review of Last LAC Meeting Minutes</b>  The minutes from the LAC meeting on 5 <sup>th</sup> November 2007 were reviewed and discussed. Unless otherwise noted in the following sections, all actions arising from these minutes have been completed by the identified individuals.		
<b>2.</b>	<b>Task Schedule Review</b>  <b>Edinburgh Airport Ltd</b>  AS reported that the licence and lease are in agreed form. Brodies arranging for the MD of EAL to sign, the documents will then be returned to CEC for execution. Expected by the end of the week.  CM to sign on behalf of CEC.	<b>CM</b>	



	<p><b>Network Rail</b></p> <p>AS reported that a meeting has been arranged with NR on 13/12 to progress outstanding matters on critical agreements.</p> <ul style="list-style-type: none"> <li>▪ Lease is in agreed form</li> <li>▪ Framework agreement is substantially agreed subject to the issues raised at the last LAC meeting on 5/12/07             <ul style="list-style-type: none"> <li>○ Bridge Agreements (NR suggest these be drafted according to a new NR template)</li> <li>○ NR want CEC to give up the right to CPO when the lease commences</li> <li>○ NR cannot prove clean title to the Keeper at present. It may be possible for NR to register the leased area under <i>Anno Domini</i> title (this gives NR the right to claim full title after 10 years, if unchallenged).</li> </ul> </li> <li>▪ The operating and neighbourhood agreements are not considered critical to the Infracore award. AS to forward the latest drafts of these to AF to pass these over to BBS.</li> <li>▪ Aiming to reach agreement on APA terms on 13/12/07.</li> </ul> <p>AS and Jim Rice (BBS) met with FSR depot manager on 7/12/07. The following was noted:</p> <ul style="list-style-type: none"> <li>▪ Only one contractor allowed on FSR site at a time. It was noted that NR are about to let the contract for the relocation of the depot diesel fuel tanks. This scheduled to start in Jan 08 and be completed by end of July 08. These works to be managed by NR – this works programme would be outwith the tram project’s control.</li> <li>▪ AS to check if the tram viaduct construction requires these tanks to be relocated – if not, the check if NR can defer this contract until after the tram works (in this area) are completed.</li> <li>▪ FSR require the works to be phased so as to minimise possible disruption to the depot operations. BBS to review construction programme and prepare input for depot change submission. AS to follow up with Jim Rice.</li> </ul> <p>Station Change documentation is awaiting SDS design for access road to Haymarket Car Park. AS to progress with input from Damian Sharp and Tony Glazebrook.</p> <p>WG requested that SC and AS prepare a summary work plan for</p>	<p><b>AS</b></p> <p><b>AS</b></p> <p><b>AS</b></p>	<p><b>11/12</b></p>
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<p>the depot and station change processes and identify all key milestones &amp; critical path.</p> <p>AS to request that NR commence generic station change notification with the train operating companies who would be unaffected by loss of parking spaces at Haymarket.</p> <p><b>Forth Ports</b></p> <p>AS to send AF the agreed FP Heads of Terms to pass over to BBS., and also to check on status on full agreement draft from D&amp;W.</p> <p>AH requested that CEC Planning (Linda Nicol) be kept informed on progress with Forth Ports.</p> <p><b>CEC Performance Guarantee Letter</b></p> <p>The draft guarantee letter is with BBS – AF awaiting response from BBS legal team.</p> <p><b>CEC/tie Licence to Construct Agreement</b></p> <p>AS reported that a draft has been received from CEC. This document allows for tie to make land available to Infraco, to be drawn down on a needs basis. It is envisaged that this would be done according to the proposed Access Permit Procedure drafted by tie HSQE.</p> <p>AS to send AF and SC the draft agreement for review.</p> <p><b>tie Operating Agreement</b></p> <p>AH has latest tie Operating agreement draft for consideration. To discuss with WG after the LAC meeting – the focus of this will be on delegated authority for tie to enter into the Infraco Contract.. WG to report outcome of these discussions at tie Board on 11/12.</p> <p><b>TEL Operating Agreement</b></p> <p>It was agreed at the TPB that the TEL Operating Agreement is not critical for 20<sup>th</sup> December Council Meeting.</p> <p><b>Transport Scotland Funding Agreement</b></p> <p>It was noted that the funding agreement is nearing resolution</p>	<p><b>AS/SC</b></p> <p><b>AS</b></p> <p><b>AS</b></p> <p><b>AS</b></p> <p><b>AS</b></p>	<p></p> <p><b>13/12</b></p> <p></p> <p><b>10/12</b></p> <p></p> <p><b>11/12</b></p>
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