
From: david_mackay@
Sent: 27 September 2007 18:37
To: Susan Clark; Willie Gallagher; Neil Renilson (TEL)
Subject: Re: TRAMS: CLAIM SETTLEMENT

Follow Up Flag: Follow up
Due By: 15 October 2007 00:00
Flag Status: Flagged

Susan, Willie, Neil,

I suspect that my tolerance limits are pretty low after a testing week and an overdue holiday so I'll be rather circumspect and will not respond to MacKenzie's e-mail tonight.

Suffice it to say my ears are ringing with "told you so", but I am confident that a more tolerant Willie and Neil will sort this out without inappropriate and unnecessary drama.

Meantime please just acknowledge MacKenzie's e-mail along the lines that TEL and the Senior Execs are confident they will be able to fully satisfy their obligations and CEC's requirements in respect of this below budget commercial settlement, (part of which relates to action or rather inaction by CEC!!) I hasten to add that the latter comment in brackets is not for CEC!!

I look forward to getting to know CM in due course.

Rgds,

David

-----Original Message-----

From: Susan.Clark@tie.ltd.uk

Date: 27/09/2007 16:53

To: <david_mackay@>, "Willie Gallagher" <Willie.Gallagher@tie.ltd.uk>, "Neil Renilson (TEL)" <NRenilson@LothianBuses.co.uk>

Subj: FW: TRAMS: CLAIM SETTLEMENT

David/Willie/Neil

FYI and further to previous e-mails today.

Susan

Susan Clark

Deputy Project Director - Tram

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tie limited

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Email: susan.clark@tie.ltd.uk

From: Colin MacKenzie [mailto:Colin.MacKenzie@edinburgh.gov.uk]
Sent: 27 September 2007 15:56
To: Susan Clark
Cc: Gill Lindsay; Alan Squair; Nick Smith; Duncan Fraser - CEC; Alan Coyle
Subject: RE: TRAMS: CLAIM SETTLEMENT
Importance: High

Susan,

Thank you for communicating the response from David Mackay.

As far as I am concerned the Council, as in the body of elected members, was not aware of what is described as the "saga". It may be the case as suggested by David Mackay that there was some awareness by CEC at officer level. Full Council agreed with the addendum referred to in my earlier e-mail. In fact that addendum was moved by Councillor Wheeler. The Council clearly wishes to keep a close eye on overall expenditure for obvious reasons, particularly when that is additional expenditure. I can see no exception to the clear decision by Council. I would see it as the duty of Council officers to comply with the instruction of Council on 20th September and bring forward a report to elected members in early course. That responsibility I suspect will lie with either City Development or Finance.

Regards,

Colin MacKenzie

for Council Solicitor

From: Susan Clark [mailto:Susan.Clark@tie.ltd.uk]
Sent: 27 September 2007 11:39
To: Rebecca Andrew; Willie Gallagher; Neil Renilson (TEL); Matthew Crosse; Geoff Gilbert; Colin MacKenzie
Cc: david_mackay@[REDACTED]
Subject: RE: TRAMS: CLAIM SETTLEMENT

Dear all

David is having problems with his e.mail and has asked me to pass on his response to this issue as follows:

Susan and All,

Firstly the SDS settlement was approved by the Boards before this "addition" appeared and CEC were well aware of the saga. (note no comments yesterday by either Andrew or Donald when the topic arose). Secondly they have undertaken to agree the remit of this group with us as it develops. Having said that I can understand the "politics" and perhaps therefore their perceived need for some additional controls/comfort but they have to recognise the dangers of negotiating in public.

In short I am sure we can resolve this sensibly and perhaps in my absence Neil and Willie could kick off with Phil and Donald?

David

Regards

Susan Clark

Deputy Project Director - Tram

.....

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Email: susan.clark@tie.ltd.uk

From: Rebecca Andrew [mailto:Rebecca.Andrew@edinburgh.gov.uk]
Sent: 27 September 2007 09:43
To: Susan Clark
Cc: Graeme Bissett (external contact)
Subject: FW: TRAMS: CLAIM SETTLEMENT
Importance: High

Susan,

Please see attached email from Colin. Can you liaise with the appropriate people within tie over how best to handle this issue? There will clearly be comms issues as well as potential delay to the settlement of the claim and the effect that would have on SDS performance.

Call me if you need to discuss.

Rebecca

Rebecca Andrew | (Acting) Principal Finance Manager | Financial Services | The City of Edinburgh Council | Waverley Court, Level 2:5, 4 East Market Street, Edinburgh, EH8 8BG | Tel [REDACTED]
rebecca.andrew@edinburgh.gov.uk | www.edinburgh.gov.uk

From: Colin MacKenzie
Sent: 27 September 2007 08:17
To: Rebecca Andrew; Duncan Fraser
Cc: Alan Squair; Alan Coyle
Subject: TRAMS: CLAIM SETTLEMENT
Importance: High

Rebecca and Duncan,

I was idly reading some of the other papers which went to the TPB yesterday and came across a reference buried deep in the agenda to settlement of a claim by SDS. As I read it there is an intention to settle a claim by SDS against **tie** for a sum in the region of £1 million. I have to draw to your attention the recent Council decision on 20 September, including the addendum on the remit of the Tram Sub-Committee

..." with the proviso that the Sub-Committee is empowered to take the final decision with respect to the settlement of any financial claims that may arise against **tie**/the Council, subject to ratification by the full Council for amounts in excess of £500,000."

On the face of it **tie**, never mind the TPB, has no authority to settle this claim, and a report will require to be made to the Tram Sub-Committee, and thereafter to full Council for ratification on the assumption that this claim is indeed in excess of £500,000.

Can you ensure that the appropriate person (s) within **tie** are made aware of this issue.

Kind regards,

Colin MacKenzie

for Council Solicitor

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