
From: Jenny Dawe [Jenny.Dawe@edinburgh.gov.uk]
Sent: 10 September 2008 12:01
To: Mike Connelly
Cc: Leanne Mabberley
Subject: FW: [LW&CSTA] Edinburgh Tram - Code of Construction Practice

FYI

Gary Turner
Assistant Business Manager to the Council Leader
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From: Leith Traders [mailto:alan@leithtraders.com]
Sent: 10 September 2008 11:41
To: Jenny Dawe
Subject: [LW&CSTA] Edinburgh Tram - Code of Construction Practice

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Wednesday, 10 September 2008

Dear Councillor Dawe

A copy of this email has been sent by the Leith Walk & Constitution Street Traders' Association to every Councillor in each of the Wards along the route of the Edinburgh Tram (Line One) as it has potential to affect businesses and residents in each of these areas.

As you are no doubt aware, the MUDFA (utility diversions) and INFRACO (track infrastructure) works for the tram line are being undertaken by Carillion and Bilfinger Berger Siemens (BBS) respectively as contractors responsible to **tie**.

In March 2006 a Code of Construction Practice document was agreed, setting out the minimum standards expected of any contractor involved in the project: contractors being contractually bound to comply with the code. (A copy of this document is available to view on the [LW&CSTA website](#).)

In accordance with the code and in order to ensure compliance with its requirements, the City of Edinburgh Council has appointed a Nominated City Officer ([Section 1.6 refers](#)) to undertake a reporting and enforcement role. The Nominated City Officer is [Duncan Fraser](#).

Under the requirements of the code, details of the Nominated City Officer should be published on the City of Edinburgh Council website. In addition, details of any breaches of the code should also be published on the CEC website at least once per calendar month, setting out:

- the nature of the breach
- the duration of the breach,
- the action taken by the Contractor or the City of Edinburgh Council to mitigate the breach
- steps taken to minimise the likelihood of a subsequent occurrence of the breach
- any contractual penalty imposed upon the Contractor as a result of the breach.

The experience of the traders on Leith Walk and Constitution Street is that breaches of the code are a daily occurrence during the MUDFA works. Breaches are communicated to **tie** on a regular basis.

Duncan Fraser was approached two months ago and asked to provide an explanation why monthly reports were not being published on the CEC website. In a second approach at the beginning of this week the question was once again put to him. On each occasion, his response has been that CEC is 'reviewing' the matter. How is it possible to review a non-existent process? For two months?

The Code of Construction Practice is designed to ensure that businesses and residents are not unreasonably inconvenienced by the construction of the Edinburgh Tram Line: if there is no visible oversight of this process then breaches proliferate, to the detriment of those endeavouring to live and work along the construction route.

If the City of Edinburgh Council is to be seen to be acting with integrity in this matter it is imperative that this failure is addressed forthwith.

Leith Walk & Constitution Street Traders' Association

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