

Supplementary Questions for Donald McGougan

1. A City of Edinburgh Council (CEC) document dated 4 March 2008, "Summary of company secretaries, company liaison officers and company monitoring officers" (**CEC01392168**) notes (at page 3) that the liaison officer of Tie and TEL was "to be advised". Can you advise the Inquiry as to the identity of the company liaison officer for each of TIE and TEL at that time and if the officer changed, the identity of their successors in that role?

2. In May 2008 CEC entered into an Operating Agreement with TEL (**CEC01315173**). The May 2008 CEC/TEL Operating Agreement does not refer to a Tram Monitoring Officer but provides (at paragraph 3.5) that "The Council will appoint a Company Monitoring Officer. The first Company Monitoring Officer will be the Director of City Development or the Director of Finance". Can you advise the Inquiry who was the Company Monitoring Officer for TEL in terms of the May 2008 CEC/TEL Operating Agreement?

3. In December 2009 a new Operating Agreement was entered into between CEC and TEL (**CEC00645838**), which referred to a Tram Monitoring Officer, which was defined as "the Council officer nominated by the Council to monitor TEL in relation to the project". Paragraph 3.5 of the new Operating Agreement provided that "The Council will appoint a Tram Monitoring Officer. The Tram Monitoring Officer will be the Director of City Development or the Director of Finance or their nominee". Can you advise the Inquiry who was the Tram Monitoring Officer (and, therefore, the TEL monitoring officer) in terms of the December 2009 CEC/TEL Operating Agreement?

The Inquiry understands Mr Poulton's position to be that he was not monitoring officer for TEL and, indeed, was given a clear instruction by David Anderson that he was not to monitor TEL. Is Mr Poulton correct on these matters? Do you have any further comments?

Answers provided by Donald McGougan via email on 25 January 2018

1. I cannot from memory advise the Inquiry with confidence on this matter. I note that there is a suggestion in the document that the appointed Liaison Officer be Jim Grieve who was a senior officer in the Transport Division of the Department of City Development but I could not be certain that this was the arrangement which was put in place. I also note from this document that at that time (March 2008) the tie and TEL company monitoring officer was the Director of City Development .

2. From memory I cannot be definitive on this matter but I have absolutely no recollection of being appointed as company monitoring of TEL at any time in my capacity as Director of Finance.

3. I am confident that in December 2009 the Tram Monitoring Officer was Marshall Poulton and the terms of this Operating Agreement indicate that he would have responsibility for monitoring TEL in relation to the project. I have no recollection or knowledge of any instruction from Mr Anderson to Mr Poulton that he was not to

monitor TEL. I regret that I cannot be of any further assistance to the Inquiry in this matter.