
From: Nick Smith
Sent: 26 September 2010 12:55
To: Alastair Maclean
Subject: RE: Draft tram wording - confidential

Precisely. I wonder whether this is Andrew trying to flush out whether we are about to recommend his exit after the advice received to date appears to be less than impressive. We'll need to square the strategy with Dave and Donald.

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

From: Alastair Maclean
Sent: Sun 26/09/2010 12:40
To: Nick Smith
Subject: Re: Draft tram wording - confidential

Why does he want to meet us to discuss with Andrew there?

On 26 Sep 2010, at 12:03, "Nick Smith" <Nick.Smith@edinburgh.gov.uk> wrote:

>
> on a re-read it actually looks ok. However, my concerns are that:
>
> (i) is it sensible to cease negotiations, even if a deal seems unlikely?
>
> (ii) a B agenda will still mean the subject matter leaks.
>
> (iii) in view of (ii) it is unlikely to assist matters if tie's prospects of success are bandied around and cost estimates are a finger in the air at the moment. Any sign of weakness cannot be good for CEC's prospects of an out of court settlement as BSC seem entirely non-scared at present.
>
> (iv) Full legal advice on prospects is unlikely to be available in time for Nov Council. Dec more likely.
>
> Otherwise the wording looks sound, if not fully recommended as an outcome! That's over to the politicians.
>
> However, I think tie are switching mentality from termination being the worst option to being an inevitability, so more data may be available soon. Grinding on with the existing contract is also back on the table.
>
> We also need to chat about what we think about the current legal advisors situation. You'll see that Richard wants to meets with us and Andrew Fitchie to discuss.

> N

> -----Original Message-----

> From: Alastair Maclean
> Sent: Sat 25/09/2010 09:25
> To: Nick Smith
> Subject: Draft tram wording - confidential

> Thoughts on the wording below?

> To instruct the Council to:

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> (a) exercise all voting rights and other powers of control available to it as shareholder of tie Limited so as to procure (insofar as it is able to do so) that tie ceases to negotiate with the Infraco Consortium in relation to the ongoing contractual issues; and

>

> (b) prepare for consideration (on a B agenda) at the [November] Council meeting a full report in relation to all practical options available to tie and/or the Council including termination with or without cause together with, in relation to each option, a best estimate of the likely costs and an analysis of the likely prospects of legal and commercial success.