
From: Debbie Harkness on behalf of Alastair Maclean
Sent: 04 November 2010 15:41
To: Dave Anderson; Donald McGougan; Jim Inch
Subject: Trams

Dave/Donald/Jim

We have just had a very useful catch-up meeting with Richard Jeffrey and Joanne Glover from DLA.

As you know, we have been working on the assumption that tie would be providing CEC with the full legal analysis by DLA together with the opinion of Richard Keen by Friday 19 November. This was agreed in order to allow sufficient time to have our own independent analysis of tie's position by CEC's QC.

Given McGrigors have now been appointed to lead this workstream in place of DLA, they obviously need time to get fully up to speed and they are also looking in depth at the evidence matrix underlying tie's assertions. This is clearly a good thing for both tie and CEC, as any subsequent legal opinion will not just be a "providing you can prove the facts you have a good case" opinion, but rather an opinion on prospects of success, having analysed at least some of the case evidence.

Richard has advised us that tie now estimate that they will be unable to provide this information to us until Tues 30 November. Clearly this only leaves CEC with a very short window to have this considered by our QC, receive his opinion, reach a conclusion and incorporate it in the Council report. Short of a pointless rubber-stamping exercise, this is a virtually impossible timetable. Shepherd + Wedderburn are in agreement with this. Any further slippage by tie and their advisors will render the timetable absolutely impossible.

Clearly there is now a significant concern in relation to timescales and we should discuss this at the next IPG.

Meanwhile I will ask Nick/Carol to work out a fresh drop dead date (for tie to give us all relevant information and analysis) beyond which we cannot move (ie. there will be no inbuilt element of contingency) and to let tie know we need them to work to that date.

Alastair

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