
From: Alastair Maclean
Sent: 22 November 2010 18:35
To: Tom Aitchison; Jim Inch; Donald McGougan
Subject: Trams - legally privileged and prepared in anticipation of litigation

Tom/Jim/Donald

I am concerned that over the last few weeks tie have been moving from one option to another in relation to the dispute with Infraco without there appearing to be any real strategic thinking as to the best way forward.

Options they have so far considered have been:

1. status quo;
2. mutual divorce;
3. termination;
4. to force performance of the contract by the use of specific implement and or clause 80/20;
5. to meet with Infraco; and
6. mediation.

In the last week or so they have moved though options 3-6 (inclusive)! I know that there needs to be an element of reflection but some of these options had previously been suggested to tie and not followed through.

I think that we are now in a position that we (as a Council) need to sit down and think strategically about all options and which route is the best independently of tie. To date we have allowed tie to take the lead on this and I am beginning now to question whether or not that is a sensible way forward although I do understand that tie do hold much of the factual information that is needed.

I don't want to raise this in the Tram IPG on Wednesday morning or in the afternoon meeting with Richard.

Could we discuss as soon as possible (maybe if you are free after (or instead of) the Tram IPG)?

A