From: Nick Smith

Sent: 08 April 2010 16:55

To: Gill Lindsay

Subject: FW: Tram response TA response 060410.doc

Kind regards

Nick

Nick Smith
Principal Solicitor
Legal Services Division
City of Edinburgh Council
City Chambers Business Centre L1
High Street
Edinburgh EH1 1YJ

(t) 0131 (f) 0131 529 3624

Please note that I am not in the office on a Monday

From: Nick Smith

Sent: 08 April 2010 12:46 **To:** Alastair Maclean **Cc:** Alan Coyle

Subject: Tram response

Alastair

Draft response for Tom for discussion.

Tom

I attach a proposed response to Mr Walker. As you will note I have recommended that we continue with our original stonewalling approach. To deviate from this would potentially open up a battle on two fronts and also risks splitting the unified approach which we have been presenting to date. This is BSC attempting to do the same as tie have done with BB and Siemens.

However, to ensure that the Council is fully robust from an audit trail perspective, all relevant issues in this and their original letter require to be answered in detail by tie in order that the Council can see that all relevant matters have indeed been dealt with in the appropriate manner. I am advised that we have been close to the decisions made on many of the alleged matters, but less so on others (eg programme management). Whilst Marshall is clearly going to examine this in detail shortly, we need to be sure we are on on solid ground before responding in this way. On the finance front, my instinct is that tactically they are stalling to allow us to run out of funds. We simply cannot allow this to happen and formal steps need to be taken by tie urgently to break the deadlock.

Kind regards

Nick

Nick Smith
Principal Solicitor
Legal Services Division
City of Edinburgh Council
City Chambers Business Centre L1
High Street
Edinburgh EH1 1YJ

(t) 0131 (f) 0131 529 3624

Please note that I am not in the office on a Monday