
From: Gill Lindsay
Sent: 18 December 2007 19:30
To: Colin MacKenzie
Cc: Nick Smith; Alan Squair
Subject: RE: TRAMS: LAC PAPER ON CHIEF EXECUTIVE APPROVALS

Colin

Understand and agree with these views in general terms. You are right that Tom will determine in his discretion and judgement whether close can be achieved. That is what we are asking the Council to agree. I think we should consider the list as an important tool in securing the activities but agree that it is not necessarily conclusive.

My view is we accept the support of Tie who are acting for CEC in delivering by considering and adjusting the list until we are happy with it. It should contain all the conditions we will be looking for including a judgement sign off by Tom. Can we do this now and then consider what a draft letter would say - if you could prepare a first draft for me to consider that would be very helpful. I would also like to brief you and Nick of my discussions today with Councillor Wheeler.

Gill

From: Colin MacKenzie
Sent: 18 December 2007 16:44
To: Gill Lindsay
Cc: Nick Smith; Alan Squair
Subject: TRAMS: LAC PAPER ON CHIEF EXECUTIVE APPROVALS
Importance: High

Gill,

I refer to the paper which was circulated at yesterday's LAC by **tie**.

Once again I have concerns about the mechanism which **tie** appears to be intent on setting up through the LAC forum. I accept that the content of the paper is very helpful, and represents a good stab at what is required by the Chief Executive. I discussed the paper with the internal Property and Legal Issues Group this morning, with the result that there are a number of additional points to go into the report.

My view is that after Thursday's Council meeting a letter should go to **tie** from Tom Aitchison formalising the outcome of that meeting and setting out the product which **tie** will be required to deliver before they receive authority to enter the BBS contract. To date I wonder if they appreciate the gravity of the situation. There may still be a remote chance that they will not deliver sufficient comfort for Tom Aitchison to authorise financial close, simply because a number of matters are in the control of third parties.

I would be happy to draft such a letter in the name of the Chief Executive if you agree that is an appropriate course of action.

On the related matter mentioned above, I again do not believe the LAC is the appropriate "sign-off" medium. I report through you and Jim to the Chief Executive, not to LAC. It is the Chief Executive who will require to be satisfied by his officers, and not by a Committee of a Council-owned company. What are your thoughts?

Regards,

Colin MacKenzie
for Council Solicitor