

Minute of the CEC/tie Legal Affairs Group Meeting

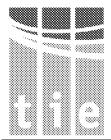
Date: Monday 14 January 2008

Time: 16.00 – 17.30

Venue: CityPoint II

In attendance	Willie Gallagher Graeme Bissett Susan Clark	tie tie tie	WG GB SC
	Matthew Crosse	tie	MC
	Andrew Fitchie	DLA	AF
	Duncan Fraser	CEC	DF
	Gill Lindsay	CEC	GL
	Rebecca Andrews	CEC	RA
	Robert Millar	CEC	RM
	Colin MacKenzie	CEC	CM
	Andy Conway	CEC	AC
	Nick Smith	CEC	NS
	Steven Sladdin	CEC	SS
	Alan Coyle	CEC	AC
Apologies	Andrew Holmes	CEC	AH
	Alasdair Sim	tie	AS
Circulation	Above		

1.	Financial Close Programme	ACTION By	Target Date
	GB summarised the list which contains all the documents that are required for financial close. These are separated into sections, which show the owner of the document and who is required to sign it.		
	GB explained the process that tie developed in order that a data room can be created in the CityPoint offices. Meetings have been arranged this week and next with CEC/ tie / TEL to explain. The data room will hold hard copies of all documents relevant to financial close; they will also be together on the extranet.		
	A report will be produced for the three board meetings (tie, TPB and TEL) due to take place next week to report the summary status on all the documents on the list, including risk matrices. GB noted that CEC will to produce their own report for their council meetings.		



	CM to check through tie 's documents list to ensure consistency and accuracy with the CEC document list.	CM	16.01
	The Infraco suite should be finalised a week today; a report will be written alongside but will not be completed until financial close. GB noted that the status of this should be more apparent by the end of this week. A week on Tuesday there will be a state of the nation on the Infraco week to discuss current status and what is still outstanding, and what the next stage will be.		
	There will updates at all three board meetings next Wednesday. Also noted is that there will be an IPG meeting at the council on the Thursday.		
	AF reported since the last LAC there have been four days of negotiations with BBS; with meetings set up for this week also. There is a need for consistency in the attendees of these meeting to ensure a steady flow to the discussion. AF agreed with GB that Monday would be an appropriate day to take status report. He also feels that they deal will not be done by Monday.		
	AF also reported that CAF are working on revised contract terms relating to Siemens but AF is confident that they will have an agreed contract by Friday. There will be a session with PB on Thursday and then PB and BBS to settle novation. AF feels he has less visibility with PB and what issues could arrive from the meeting.		
	Steven Bell has contracted Tramlines to find out whether an objection is going to be placed; this is unlikely to happen but we are unaware of that Alstom plans are.		
	WG, GB and GL to touch base on Wednesday.	JS	
2.	Network Rail Formal Depot change was submitted on Friday. There should be no issues with this due to accelerated agreement with First Scotrail. This should be completed before financial close. Station change will be submitted by Wednesday, as there are		
	still pieces of information missing; it is anticipated that this will not be complete for financial close. A liaison meeting has been arranged by Steven Bell to resolve any residual areas. The discussions regarding the car park are still ongoing.		



Steven Bell held a review of the APA with Chris Horsley today. There is an outstanding issue of indemnity, advice has been sought from ORR and Transport Scotland, and more details will be expected tomorrow. WG is confident of a positive result from Network Rail.	SB	15.01
CEC have understanding that CPO is depending on the APA indemnity result but believe that it should be acceptable.		
Steven Bell to speak to AH and Donald McGougan regarding CPO as they will need confirmation in writing relating to access to land. GL confirmed that they can keep this on hold before they start analysing an alternative.	SB	16.01
Third Party Agreements		
BAA agreement; WG stressed that this should be completed by Wednesday and CEC have agreed to sign.	CM	16.01
Forth Ports agreement; the head of terms will be agreed before financial close but the agreement won't be as it is still missing design information.		
SRU, there is a possibility that this could be completed before financial close as much of the information relates to design and spec. tie are onto this with Lindsay Murphy leading.		
WG stressed again the importance of having these completed before end of January.		
tie Operating Agreement		
NS has pulled this together in draft form with tie 's comments and this has been passed to AH and Donald McGougan for comment. WG will speak to AH on Wednesday to ensure that this goes through quickly. All confirmed that this should be signed off this week.	NS	
TEL Operating Agreement		
NS sent out on Friday for comments; AH has looked over it but has yet to come back to NS. GL will keep pressure on this.	GL	
tie and TEL Operating agreements are to be signed off before the board meetings take place next week. This will be a binding agreement for an interim period.		



	CEC to send all comments to NS before the close of business on Tuesday. NS to then send to GB for circulation to the TEL Board members. tie/ CEC License	NS GB	
	There are no issues with this and it will be concluded before the end of the week.	CM	18.01
	Consents Paper		
	This is to be read and comments back to AF by Tuesday and DS to attend next LAC meeting.	ALL	15.01
	Funding Letter and CEC Guarantee		
	This is being held up due to wording inconsistency noticed by TS. RA has drafted a letter for Donald McGougan to sign which will cover this.	RA	16.01
3.	Review of Last LAC Meeting Minutes		
	The minutes from the LAC meeting on 7 th January 2008 were reviewed. Unless otherwise noted in the following sections, all actions arising from these minutes have been completed by the identified individuals.		
	AOB		
	RA is concerned regarding advanced purchases of materials and whether CEC would risk losing money should BBS have financial difficulties. AF will include and discuss bonding advanced payments with BBS to provide comfort to CEC.	AF	18.01
	It was decided that dealing with the street trader face to face (and offer another trading location) would produce better results than suspending their licenses. Communication has already taken place between CEC and the Stakeholder team to make contact with these traders. DF also noted whether they could fall into the small businesses compensation category.		
	Next Meeting		
	Monday 21 st January 2008 @ 16:00pm at Citypoint		
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