
From: Andy Conway [Andy.Conway@edinburgh.gov.uk]
Sent: 04 July 2007 17:36
To: Matthew Crosse
Cc: Alan Squair
Subject: FW: Utilities Agreements

Matthew,

I've just spoken with Andrew Holmes about the issue below. He has asked that I bring Alan Squair to the DPD tomorrow to try and resolve the Scottish Power issue (after the SP issue Alan can leave). Can we have a chat beforehand please, say at 8:45? (I'm not CityPoint at the moment - thus the email).

Regards

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When based at tie (CityPoint on Haymarket Terrace) my telephone number is [REDACTED] My email address remains unchanged

From: Andy Conway
Sent: Wed 04/07/2007 17:20
To: Alan Squair; Alasdair Sim; Colin MacKenzie
Cc: Gill Lindsay; Tom Clark
Subject: RE: Utilities Agreements

Alan/Alasdair,

I've just been speaking with Trudi about this too. I was going to raise this at the DPD meeting tomorrow morning. I'm assuming that the lack of an agreement in place will effect the MUDFA works, which are planned to commence next week.

There's another issue, which I know Colin Mackenzie raised several months ago, that to accept this risk and any associated costs whilst complying with CEC Standing Orders, we will likely require a paper to be submitted to full Council for a decision (which couldn't happen until August).

Alasdair - I'm to brief Andrew Holmes after the DPD. Can you confirm a few things for me?

Will a delay to MUDFA result in a compensation event?

Do we know the extent of the risks anticipated and what the associated costs will be?

We'll also need to identify where those costs are with the tram budget.

There's also the contractual position which needs to be clarified between MUDFA, tie, CEC and any third parties, since CEC won't have a contract with MUDFA. I'll also need to explain why we are in this position. Thanks.

Regards

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From: Alan Squair
Sent: Wed 04/07/2007 15:29
To: Alasdair Sim; Colin MacKenzie
Cc: Andy Conway; Gill Lindsay
Subject: RE: Utilities Agreements

Alasdair

As I mentioned in my recent e mail, I met with the Council Solicitor this morning to discuss this. In summary, our view is that rather more information and advice on the Council's exposure to risk in terms of Scottish Power and Telewest is required and that as and when these risks can be identified and quantified and the issue as to whether cover for these risks can be obtained has been explored, the matter should then be the subject of a Report to Members.

We would require to have a better understanding of why SP and Telewest wish CEC to be party to their Agreements and particularly what specific liabilities they consider not to be addressed by other contractual and/or insurance arrangements. Not having been involved in the apparently lengthy and detailed negotiations which have taken place to bring the Agreements to their present form, we are not aware of the areas of concern.

Accordingly, we could not at this stage recommend that the Council sign these Agreements.

I would however stress that the above would be our recommendation and advice but that we are urgently seeking instructions from the Director of City Development.

Regards

Alan

From: Alasdair Sim [mailto:Alasdair.Sim@tie.ltd.uk]
Sent: 04 July 2007 10:13
To: Alan Squair; Colin MacKenzie
Subject: Utilities Agreements

Good morning Gents,

Could I ask how we are progressing with the sign off for these utilities agreements with Scottish Power and Virgin Media please?

Thanks
Alasdair

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