

FOISA Exempt

Edinburgh Council meeting

Thursday 30th June 2011

Note on contribution from Colin Smith introduced by Sue Bruce as Consultant and adviser to the City Council on Edinburgh Trams.

This is a brief note of final contribution to Councillors at the Council meeting provided by Colin Smith on the technical aspects of the project. This followed contributions from the City's Chief Solicitor (Mediation, legal impact of the various proposals contained within the report, the City's contractual obligation under INFRACo and financial risk to the Council), Alan Coyle (Business Case) and Donald McGougan (Council borrowing requirement, relationship with Scottish Government, possible options of various financing models, etc).

Note that this briefing is from memory only and not from a set of notes taken during the debate.

Colin Smith responded to questions from Cllrs Balfour, Whyte, Mowat, Godzik and Cardownie. What was interesting was that that at no time during his response did he use the word 'tie'.

Colin Smith made the point that as adviser to the Council it will take up to another 6 weeks to consider in full the project information that they have inherited from tie.

He emphasised that they we were taking nothing for granted in terms of the accuracy of this information and that one of the outstanding challenges was the completion of utility diversions and this was in fact a considerable challenge.

Cllr Mowat made the point that on numerous occasions Cllr were told that once these utility diversions were completed the legacy would be 100% better than what tie had available at its disposal in terms of information available prior to commencing utility work. For example, Cllr Mowat made a reference to the future availability of technical drawing with much more clarity on the positioning of new infrastructure and redundant infrastructure. In response to this Colin Smith said that whilst not saying that no information was available he was quite dismissive of what was available especially for work that has to be done soon in Shandwick Place. He said there were drawings which contained some references to the location of utilities.

When requested to comment on the previous commitments given by tie that 90+% of utilities had been moved and if this was true or not he responded by saying that he was taking nothing for granted. He was now authorising the deployment of sophisticated equipment such as sonic, etc., to help interpret what was underground.

In Shandwick Place they had discovered that in terms of the impact of utility diversions on the tram design and in particular with the location of OLE poles they have discovered evidence that utility infrastructure was in the way and would have to be moved. He didn't confirm if this infrastructure had previously been moved under tie but left Cllrs in no doubt that this was the case.

When asked what's different now in terms of the relationship with the Consortium he mentioned that in terms of the priority works agreed at mediation (Depot, A8 underpass, Haymarket and test track (I think he mentioned test track but can't be certain) these were ahead of time and on budget. This should be seen as a positive development which echoes the improvement in the partnership arrangement.

When asked how differences were being resolved under new arrangements he made a specific reference to the new 'DRP process' laid down under the new arrangements agreed at mediation. There are no 'red flags' that have been referred higher up the chain. Everything has been agreed at the first tier of reference. As a sign of positive times ahead and a new relationship.

When asked how this was done under tie he made the point that there were monthly meetings. Under the supervision of the Council they were now meeting weekly and resolving all issues at these meetings.

During all of this SB was being very supportive through her gestures such as nodding.....lots. Implications was that everything that went beforehand was bad!!!

My text message to Mandy H-L during last night's summed up the tone on the Shandwick Place discussion as referenced to significant inadequacies, incompetence and cover ups.

He kept repeating that he was taking absolutely nothing for granted on supposedly completed works.

When Cllr Cardownie made a reference to his understanding of tie's role or the lack of it he asked if the Council taking over the running of the project would be better than tie. Colin Smith responded by saying that given what Cllr Cardownie had said he could have put it any better himself. Again with nodding approval from SB. In fact her body language of approval was more likely a rally at the tennis in Wimbledon!! Finalising in his own words has 'tie been a poor agent'? Yes said Colin Smith.

A reference was made to the 'delinquent contractor' strategy where Chief Solicitor pointed out that this had failed immensely and that it's now much better. Supported by Colin Smith.

This was the last comment Councillors were left with before the 30 minute recess.